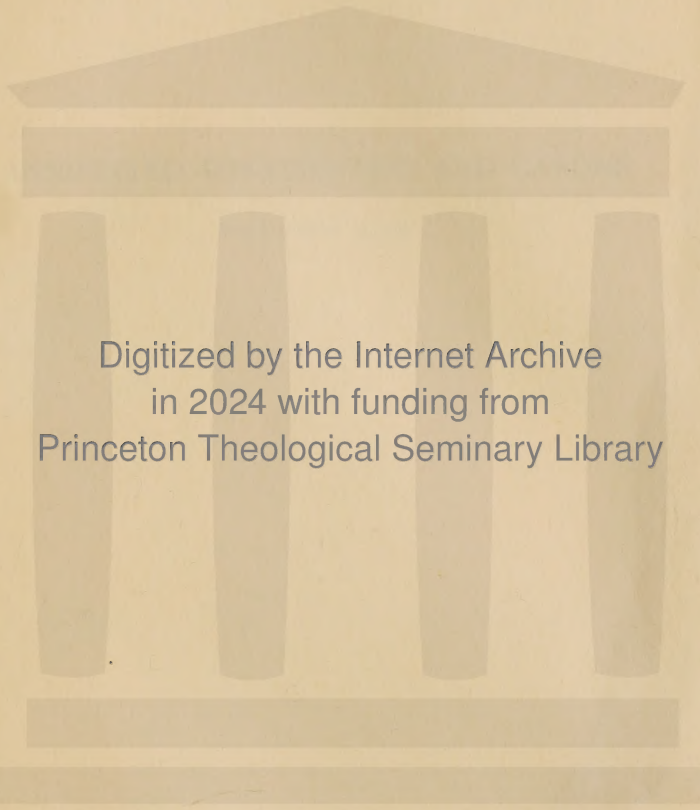


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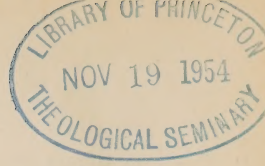
VOLUME ONE

ANNOTATED
CONSTITUTION AND CANONS FOR
THE GOVERNMENT OF THE
PROTESTANT EPISCOPAL CHURCH
IN THE
UNITED STATES OF AMERICA

VOLUME I

Adopted in General Conventions

1 7 8 9 — 1 9 5 2



BY

Edwin Augustine White, D.D., D.C.L.

SECOND EDITION, REVISED, 1954

BY

Jackson A. Dykman, D.C.L.

PUBLISHED AFTER REVIEW BY

A JOINT COMMITTEE OF GENERAL CONVENTION



THE SEABURY PRESS

GREENWICH · CONNECTICUT

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PUBLICATION OF A NEW ANNOTATED EDITION OF
THE CONSTITUTION AND CANONS

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Secretary

The committee desires to record the fact that pursuant to the mandate of the General Convention it has reviewed the proofs of this new annotated edition of the Constitution and Canons and has approved the text.

FRANK A. McELWAIN, *Chairman*

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Foreword

AT THE General Convention of 1937, at the instance of the Committee on Canons of the House of Deputies, a joint commission of three bishops, three presbyters, and four lay members was appointed to codify, edit, rearrange, and renumber the Canons of this Church and "to procure a person or persons to revise [Dr. White's] handbook on the Constitution and Canons so as to include all legislation to date."

The joint commission, as established in 1937, made a preliminary report in 1940, and in 1943 announced that the Rev. H. Kearney Jones of the diocese of Maryland had agreed to undertake the work of revising "Dr. White's handbook," following which the Convention in that year formally approved the arrangement with Mr. Jones and appointed a joint committee of three persons, a bishop, a presbyter, and a layman, to supervise the preparation of the manuscript and arrange for the publication of the book. This joint committee was increased to five, two laymen being added, by the Convention of 1946. This committee reported to the 1949 Convention that some progress had been made. The committee was then continued with instructions to extend the work so as to cover current legislation.

At the Convention of 1949, Mr. Jackson A. Dykman was made a member of the joint committee and, with its approval, undertook the preparation of a new current edition of "White." Mr. Dykman began his work as annotator in the summer of 1951, and the manuscript was completed in March of 1952, permitting the reporting of that fact by the committee to the Convention of that year with a request for an appropriation to cover publication.

The Convention of 1952 adopted the following Resolutions:

Resolved, The House of Bishops concurring, that this Convention records its appreciation of the able and exacting work performed at great personal sacrifice by Mr. Jackson A. Dykman in preparing in draft form a new annotated edition of the Constitution and Canons of this Church; and be it further

Resolved, The House of Bishops concurring, that in order to afford the assistance by way of review and suggestion that is always desired by the draftsman of a volume which deals with matters affecting the organic law of our Church and with matters of Theological and Ecclesiastical policy and which has been prepared under authority of General Convention, the Joint Committee to Supervise Publication of Supplement to Annotated Edition of Constitution and Canons be renamed and continued as the "Joint Committee to Supervise Publication of a New Annotated Edition of the Constitution and Canons" and that such Joint Committee be

enlarged to include five Bishops, five Presbyters and five laymen, the additional Bishops and the additional Presbyters and laymen to be appointed with particular attention to their qualification (as is the case of the present Joint Committee) as persons learned in Theological or Ecclesiastical matters or in matters of law or in all three, with authority to the Joint Committee to afford such assistance by way of review, comment or otherwise as may be appropriate, such Joint Committee to have authority after review to publish and to present the New Annotated Edition of Constitution and Canons to the next session of General Convention with their report thereon.

The new joint committee thus brought into existence by the General Convention of 1952 convened at Seabury House in December of that year. Here it determined that the new edition should be published by The Seabury Press and that galley proofs of the manuscript should be prepared for each member of the joint committee, thus affording each member the opportunity to make his own study of the material prepared by the annotator and to prepare suggestions for correction, clarification, and improvement. In addition, the entire work was divided into convenient areas, each of which was then assigned to subcommittees for intensive study.

This procedure permitted the making of an independent review and study of the entire production by each member of the committee and at the same time provided a method under which every part of the manuscript would receive the special review of a qualified subcommittee, each of which was asked to be prepared to report at a meeting of the entire committee.

A subcommittee on publication was also appointed for the purpose of handling all details incident to the actual publishing of the work.

It should be noted that Morehouse-Gorham Company generously relinquished any rights which it might have had as successor to the original publisher, careful research having failed to disclose any copy-right of the original edition.

Galley proofs were prepared and sent to each member of the joint committee in the autumn of 1953. These were studied in accordance with the program agreed upon, and the committee members met for discussion at Seabury House on January 13 and 14, 1954. The galley proofs were then reviewed page by page, many of them were discussed in detail, and the questions and suggestions evidenced the care with which the work had been reviewed. Proposals for changes were explored with care, and in every instance the members present were unanimous in their conclusions as to what should be stated in the text.

In many instances the annotator became the author of new language in which divergent views were happily met.

As is quite apparent from the foregoing, the purpose of this new edition has been to bring up to date Dr. White's work which, in effect, was a presentation of the historical development, year by year, of the legislation of General Convention supplemented with what he called an Exposition.

That part of the text relating to events prior to 1922 is essentially a reprint of Dr. White's original work, changed only where his exposition had become inapplicable by reason of the action of subsequent General Conventions, and where clarification seemed clearly desirable.

That part of the text dealing with legislation and cases subsequent to 1922 is the work of Mr. Dykman.

Those using this book should bear in mind that the Canon Law of the Church of England and the body of tradition of the Catholic Church in England (*i.e.*, Anglican) both before and after the Reformation is of weight in the decision of questions in the Protestant Episcopal Church of the United States of America, except where conditions have altered, or when the relevant regulation or custom has fallen into desuetude, or the General Convention has occupied the field by legislation. They should also bear in mind that civil cases cited in the text must be considered in the light of the civil law of the jurisdiction in which they were decided.

As has appeared from the foregoing, the tremendous and laborious task of preparing the manuscript for this edition has been cheerfully and faithfully done by Mr. Jackson A. Dykman, who is the chairman of the Committee on Canons of the House of Deputies of the General Convention and, until recently, was Chancellor of the Diocese of Long Island. Mr. Dykman has been generous in his expression of thanks to the members of the joint committee and has requested that particular recognition be given to Paul F. Good, Esq., Chancellor of the Diocese of Nebraska, for his untiring assistance in correcting errors and in supplying additional material of great value. Mr. Dykman states: "Mr. Good's labors in research and their result have contributed so much to the preparation of this edition as to deserve credit as joint author and to him the annotator expresses his deep indebtedness and gratitude."

The annotator, Mr. Dykman, has been painstaking in his work and ever zealous in his endeavor to have produced an accurate and useful book. That he, an active member of the New York Bar, should have

been willing to undertake so burdensome a task as a labor of love for his Church is vivid evidence of the generous Christian spirit which he possesses. The work itself is a tribute to his professional talent and untiring industry. The General Convention of 1952 very properly recorded its formal appreciation of the contribution made by Mr. Dykman. The members of this committee who have had the privilege of studying with care the manuscript which he has produced, and then discussing each page of it with him when all differences were speedily and happily resolved have requested that I make this expression on their behalf. I am delighted to do so and with them gratefully acknowledge that with fidelity and skill Mr. Dykman has produced a most valuable and useful work.

FRANK A. McELWAIN, *Chairman*

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Constitution

Constitution

ADOPTED IN GENERAL CONVENTION

IN PHILADELPHIA, OCTOBER, 1789,

AS AMENDED IN SUBSEQUENT GENERAL CONVENTIONS

ARTICLE I

SECTION 1. There shall be a General Convention of this Church, consisting of the House of Bishops and the House of Deputies, which Houses shall sit and deliberate separately; and in all deliberations freedom of debate shall be allowed. Either House may originate and propose legislation, and all acts of the Convention shall be adopted and be authenticated by both Houses.

General
Convention

SEC. 2. Every Bishop of this Church having jurisdiction, every Bishop Coadjutor, every Suffragan Bishop, and every Bishop who by reason of advanced age or bodily infirmity, or, who under an election to an office created by the General Convention has resigned his jurisdiction, shall have a seat and a vote in the House of Bishops. A majority of all Bishops entitled to vote, exclusive of Foreign Missionary Bishops and of Bishops who have resigned their jurisdictions, shall be necessary to constitute a quorum for the transaction of business.

House of
Bishops

Quorum

SEC. 3. At the General Convention next before the expiration of the term of office of the Presiding Bishop, it shall elect the Presiding Bishop of the Church. The House of Bishops shall choose one of the Bishops of this Church to be the Presiding Bishop of the Church by a vote of a majority of all Bishops, excluding retired Bishops not present, except that whenever two-thirds of the House of

Election of
Presiding
Bishop

Term and
Tenure of
Office

Bishops are present a majority vote shall suffice, such choice to be subject to confirmation by the House of Deputies. His term and tenure of office and duties and particulars of his election not inconsistent with the preceding provisions shall be prescribed by the Canons of the General Convention.

Succession
in case of
death or
disability

But if the Presiding Bishop of the Church shall resign his office as such, or if by reason of infirmity he shall become disabled, or in case of his death, the senior Bishop of this Church in the order of consecration, having jurisdiction within the United States, shall (unless the date of the next General Convention is within three months) immediately call a special meeting of the House of Bishops to be held within two months to elect a Bishop having jurisdiction in the United States to be the Presiding Bishop. The Bishop so elected shall serve until the next General Convention.

House of
Deputies

SEC. 4. The Church in each Diocese which has been admitted to union with the General Convention shall be entitled to representation in the House of Deputies by not more than four Presbyters, canonically resident in the Diocese, and not more than four Laymen, communicants of this Church, having domicile in the Diocese; but the General Convention by Canon may reduce the representation to not fewer than two Deputies in each order. Each Diocese shall prescribe the manner in which its Deputies shall be chosen.

The Church in each Missionary District which shall have been established in accordance with the Constitution and Canons for the government of this Church, shall also be entitled to representation in the House of Deputies by not more than one Presbyter, canonically resident in the Missionary District, and not more than one Layman, communicant of this Church, having domicile in the Missionary District. Each Missionary District shall prescribe the manner in which its Deputies shall be chosen. Deputies from such Missionary Districts, except as otherwise provided in the Constitution, shall be subject to all of the qualifications and with all of the rights of Deputies from Dioceses.

To constitute a quorum for the transaction of business, the Clerical order shall be represented by at least one Deputy in each of a majority of the Dioceses entitled to representation, and the Lay order shall likewise be represented by at least one Deputy in each of a majority of the Dioceses entitled to representation.

Quorum

On any question the vote of a majority of the Deputies present shall suffice, unless otherwise ordered by this Constitution, or, in cases not specifically provided for by the Constitution, by Canons requiring more than a majority, or unless the Clerical or the Lay representation from any Diocese require that the vote be taken by orders. In all cases of a vote by orders, the two orders shall vote separately, each Diocese having one vote in the Clerical order and one in the Lay order, and each Missionary District having a one-fourth vote in the Clerical order and a one-fourth vote in the Lay order; and the concurrence of the votes of the two orders shall be necessary to constitute a vote of the House. No action of either order shall pass in the affirmative unless it receives the majority of all votes cast, and unless the sum of all the affirmative votes shall exceed the sum of other votes by at least one whole vote.

When
Majority vote
shall suffice

Vote by
orders

SEC. 5. In either House any number less than a quorum may adjourn from day to day. Neither House, without the consent of the other, shall adjourn for more than three days, or to any place other than that in which the Convention shall be sitting.

Adjournment

SEC. 6. One Clerical and one Lay Deputy chosen by each Missionary District of the Church established by the House of Bishops, beyond the territory of the United States of America, and one Clerical and one Lay Deputy chosen by the Convocation of the American Churches in Europe, shall have seats in the House of Deputies, subject to all the qualifications and with all the rights of Deputies, except as otherwise provided in this Constitution.

Deputies
from Foreign
Missionary
Districts

SEC. 7. The General Convention shall meet in every third year on the Wednesday after the first Sunday in

Time and
Place of
meeting

October, unless a different day be appointed by the preceding Convention, and at the place designated by such Convention; but if there shall appear to the Presiding Bishop of the Church sufficient cause for changing the place so appointed, he may appoint another place for such meeting. Special meetings may be provided for by Canon.

This article embraces within its provisions the subject matter of the first three articles of the Constitution enacted in 1789.

CONVENTION OF 1789

The first article of the Constitution enacted by this Convention read as follows:

There shall be a General Convention of the Protestant Episcopal Church in the United States of America *on the second Tuesday of September, in the year of our Lord, 1792, and on the 2nd Tuesday of September in every third year afterwards*, in such place as shall be determined by the convention; and special meetings may be called at other times in the manner hereafter to be provided for; and this Church in a majority of the *States* which shall have adopted this constitution, shall be represented before they shall proceed to business, except that the representation from two *States* shall be sufficient to adjourn; and in all business of the convention freedom of debate shall be allowed.

The changes in the article prior to the revision of the Constitution in 1901 will appear from the portions italicized.

CONVENTION OF 1804

This Convention amended the article by changing the time of meeting of the Convention to the third Tuesday in May.

CONVENTION OF 1823

The time of meeting was again changed by this Convention by omitting the date when the meeting was to be held and providing that it should meet

at such time in every third year, and in such place as shall be determined by the convention.

The same Convention inserted these words after the first sentence in Article I:

and in case there shall be an epidemic disease, or any other good cause to render it necessary to alter the place fixed on for any meeting of the convention, the

presiding Bishop shall have it in his power to appoint another convenient place (as near as possible to the place so fixed on) for the holding of such convention.

The insertion of this clause, giving the Presiding Bishop power to change the place of meeting, arose from the fact that the Convention of 1798 could not meet in Philadelphia, the place fixed upon by the preceding Convention, because of the prevalence of yellow fever in that city. As the House of Bishops had previously adopted a rule making one of their number their presiding officer, it was deemed best to confer the power on him.

CONVENTION OF 1838

The terms "state" and "states" were changed by this Convention to "diocese" and "dioceses."

These changes were made necessary by the adoption of the provision allowing a diocese to be divided into two or more dioceses. This provision was made to permit the Diocese of New York to be divided into two dioceses. Heretofore, each state had formed only one diocese, and the words "state" and "diocese" had been used interchangeably. With the division of New York into two dioceses, this was no longer possible, and the word "state" was changed to "diocese" wherever it occurred in the Constitution and Canons.

In the same Convention an amendment was proposed to this article making the time of meeting of the General Convention once in seven years, but the proposition met with little favor and was laid upon the table.

CONVENTION OF 1841

The article was again amended by this Convention, changing the date of the meeting of the Convention to the first Wednesday in October.

The difficulty of fixing a time of meeting satisfactory to the deputies from the several dioceses is apparent from the frequent changes made in that particular.

No further changes were made in the first article of 1789 until the revision of the Constitution by the Convention of 1901.

We will now consider the changes made in the second article of the Constitution of 1789.

CONVENTION OF 1789

The second article of this Constitution read as follows:

The Church in each *state* shall be entitled to a representation of both the clergy and the laity, *which representation shall consist of one or more deputies not exceed-*

ing four of each order, chosen by the convention of the state, and in all questions when required by the clerical or lay representation from any state, each order shall have one vote; and the majority of suffrages by states shall be conclusive in each order, provided such majority comprehend a majority of the states represented in that order; the concurrence of both orders shall be necessary to constitute a vote of the convention.

If the convention of any *state* should neglect or decline to appoint clerical deputies, or if they should neglect or decline to appoint lay deputies, or if any of those of either order appointed neglect to attend or be prevented by sickness, or any other accident, such *state* shall nevertheless be considered as duly represented by such deputy or deputies as may attend, whether lay or clerical.

And if through the neglect of the convention of any of the Churches which shall have adopted, or may hereafter adopt this constitution, no deputies, either lay or clerical, shall attend at any General Convention, the Church in such *state* shall nevertheless be bound by the acts of such convention.

As before stated, the words "state" and "states" were changed to "diocese" and "dioceses" by the Convention of 1838.

CONVENTION OF 1856

This Convention amended Article II by changing the second sentence thereof to read as follows:

Such representation shall consist of not more than four clergymen and four laymen, Communicants in this Church, residents in the Diocese, and chosen in the manner prescribed by the Convention thereof.

By this amendment, lay deputies were required to be communicants and residents of the diocese which they represented.

CONVENTION OF 1886

The word "convention" at the end of the first paragraph was changed to "House of Deputies."

We will now consider the changes made in the third article of the Constitution of 1789.

The third article of the Constitution of 1789 read as follows:

The Bishops of this Church, when there shall be three or more, shall, whenever General Conventions are held, form a separate house, with a right to originate and propose acts for the concurrence of the House of Deputies, composed of clergy and laity; and when any proposed act shall have passed the House of Deputies, the same shall be transmitted to the House of Bishops, who shall have a negative thereupon, *unless adhered to by four-fifths of the other house*; and all acts of the General Convention shall be authenticated by both Houses.

And in all cases the House of Bishops shall signify to the convention their approbation or disapprobation, (the latter with their reasons in writing) within three days after the proposed act shall have been reported to them for concurrence; and in failure thereof, it shall have the operation of a law. But until there shall be three or more Bishops as aforesaid, any Bishop attending a General Convention shall be a member, *ex officio*, and shall vote with the clerical deputies of the state to which he belongs; and a Bishop shall then preside.

In the Constitution as proposed in 1786, it was provided that the bishops should be members of the Convention *ex-officio*.

The New England dioceses, Connecticut, Massachusetts, and New Hampshire, were not represented at the beginning of the session of the Convention of 1789, because "Bishop Seabury, of Connecticut, lay under some misapprehensions concerning an entry in the Minutes of a former Convention, as intending some doubt of the validity of his consecration."

The Convention, being informed of this through letters to Bishop White and Bishop Provost, which were read to the Convention, resolved unanimously, "That it is the opinion of this Convention that the consecration of the Right Rev. Dr. Seabury to the Episcopal office is valid."

The Convention of 1789, which met in Philadelphia, July 28, adjourned August 8, to meet in the same place, September 29, following, in order to confer with the bishop and clergy of Connecticut, Massachusetts, and New Hampshire, "for the purpose of settling articles of union, discipline, uniformity of worship, and general government among all the Churches in the United States."

When the Convention reassembled in September, Bishop Seabury, and clerical deputies from the three New England states presented their credentials of appointment to confer with the Convention, which were deemed satisfactory to the Convention. A committee of the Convention was then appointed to confer with Bishop Seabury and these deputies on the subject of the proposed union.

In the Constitution as adopted in August, 1789, the bishops, when there should be three or more, were to form a separate House of Revision, and any act of the Convention was to be sent to them for concurrence. If not concurred in, it would still become a law if three-fifths of the Convention adhered to it. In October, the deputies from the three New England states expressed their willingness to join the union, provided, the third article was so amended as to give the House of Bishops the right to originate acts and a full negative. The

committee appointed to confer with them reported to the Convention in favor of both propositions "as having a tendency to give greater stability to the Constitution, without diminishing any security possessed by the clergy or laity."

The Convention adopted the first part of the committee's recommendation, giving the House of Bishops the right to originate acts, but modified the right to a negative so as to enable four-fifths of the House of Deputies to pass an act over the veto of the House of Bishops. Bishop White states "that the report as to a full negative would have been adopted had not a gentleman from Virginia stated that it might cause the measure to be disowned in that state; the eastern gentlemen acquiesced, but reluctantly."

Immediately after this change had been made in Article III, Bishop Seabury and the deputies from the New England states signed the Constitution. It was then resolved, "that agreeably to the constitution of the Church as altered and confirmed, there is now in this Convention a separate House of Bishops." Bishops White and Seabury then withdrew and formed the first House of Bishops under the Constitution. Bishop Seabury was elected the President of the House of Bishops, as being the senior bishop, thus establishing the rule making the office of Presiding Bishop depend upon seniority of consecration. This rule was afterwards altered for a short time, but subsequently readopted and continued to be the rule until the Convention of 1919.

Immediately after the adoption of Article III, the Convention resolved:

That it be made known to the several State Conventions, that it is proposed to consider and determine, in the next General Convention, on the propriety of investing the House of Bishops with a full negative upon the proceedings of the other House.

When this proposed amendment to Article III came up for consideration in the Convention of 1792, it was violently opposed and some of the state conventions had instructed their representatives to vote against it. The effort was renewed in 1804, and finally in 1808, the change was made and the words "unless adhered to by four-fifths of the other House" were stricken out, and thereby a full veto was given to the House of Bishops.

Judge Hoffman, in his *Law of the Church* (p. 154), states that "the progress of this matter is a remarkable tribute to the prevalence of just Church views. In the year 1787, we find South Carolina instructing

her delegates to insist as a condition of union, that she should not be compelled to receive a Bishop. Through a series of years we find Virginia declaring among her Canons, that the office of a Bishop differed in no respect from that of other ministers, except in the powers of ordination and confirmation, the right of superintending the conduct of the clergy, and of presiding in ecclesiastical assemblies. So when the absolute veto was suggested, we find opposition to it invincible. But the feelings and prepossessions which induced all these actions have passed away, and I presume it would be difficult to find a Churchman in the United States who would now advocate either of these."

At the Convention of 1808, a question of some interest seemed likely to arise. There were then three bishops, but Bishop White was the only bishop present at the beginning of the session. The question was whether a single bishop could constitute a House of Bishops. Upon this question, Bishop White says in his *Memoirs* (p. 250) that he "was prepared to support the affirmative, as being the most agreeable to the letter of the constitution, and also, because on the contrary, nothing could have been done."

CONVENTION OF 1866

This Convention amended the article by substituting the words, "House of Deputies," for the word "Convention," in the first line of the second paragraph.

CONVENTION OF 1901

In the revision of the Constitution by this Convention, the first three articles of the Convention of 1789, which we have been considering, were combined into Article I and very radically amended.

The Convention of 1892 appointed a joint commission to revise the Constitution and Canons of General Convention, "for the purpose of (1) rendering them more entirely harmonious and freeing them from ambiguities; (2) of adapting them to the great enlargement and growth of the Church; and (3) of clothing them with such accuracy and precision of language as shall relieve the Digest from the technical objections which are made to its phraseology by jurists and canonists."

The commission presented to the Convention of 1895, a partial report including the title and Article I, which, after amendments had been made, were approved by the Convention.

The title proposed was as follows:

Constitutions and Canons for the Government of that Portion of the Catholic Church known in Law as the Protestant Episcopal Church in the United States of America,

adding thereto the subtitle, "Constitutions."

That this proposed title did not commend itself to the best judgment of the Church is evidenced by the fact that when it came up for final adoption in the Convention of 1898 only one diocese in each order voted approval.

The title finally approved by the Convention of 1898, and adopted by the Convention of 1901, was as follows:

CONSTITUTION ADOPTED IN GENERAL CONVENTION IN PHILADELPHIA, OCTOBER, 1789, AS AMENDED IN SUBSEQUENT GENERAL CONVENTIONS.

SECTION I

This section is composed of the first few words of former Article I and the substance of the first and last clauses of former Article III. Under former Article III, the House of Bishops was given a negative upon acts passed by the House of Deputies, but was to signify its approbation or disapprobation within three days after such act was reported to it for concurrence; and if the House of Bishops failed to so signify within the specified three days, then such act was to have the operation of law. These provisions were repealed by the Convention of 1901, and the House of Bishops was at last placed on a plane of equality with the House of Deputies in matters of legislation.

Thus ended the contention, begun over one hundred years before by Bishop Seabury and the deputies from the New England states, for equal power on the part of the two houses in legislating for the Church. During all these years repeated attempts were made in Convention after Convention to strike out the "three days" clause, and to give to the House of Bishops the same power to originate and propose acts for the concurrence of the other house, possessed by the House of Deputies. The report of the Committee on Amendments to the Constitution of the House of Deputies in the Convention of 1886 sets forth the reasons why the House of Deputies refused to strike out the two provisions referred to. The report is, in part, as follows:

The proposition before the Committee is to omit two periods on different subjects embraced in the last half of the Article. The latter period is as follows: "But until

there shall be three or more Bishops as aforesaid, any Bishop attending a General Convention shall be a member *ex officio*, and shall vote with the Clerical Deputies of the Diocese to which he belongs; and a Bishop shall then preside." This provision may be considered useless, since the possibility of its use has long since passed away. But to a suggestion to drop it, your Committee on a previous occasion have been of the opinion, as they are now, that it is an interesting historic note; that while its utility is gone, yet for its reference to a state of things in the Church less than a century, when the House of Bishops began to exist, this period is with propriety retained. In regard to the removal of the limitation in the Article which requires the House of Bishops, in order to exercise its right of veto, to communicate the reason for its non-concurrence, in writing, within three days after any proposed Act shall have been reported to them for concurrence, the Committee states that "it is not necessary to re-state the reasons which have moved this House repeatedly to pronounce the proposition inexpedient." (*Jour. Con. 1886, p. 274*)

The committee then refers to its report to the Convention of 1877. In that report, the committee states:

The reason for this limitation is obvious. The House of Bishops, in the exercise of its undoubted prerogative, chooses to sit with closed doors. By its own order, its action cannot be known to this House except as it chooses to communicate it. If it does not concur in any Act of the House of Deputies, therefore, its non-concurrence and the reasons thereof can be known only by and through its own communication. The House of Deputies is not permitted to overrule its non-concurrence. Surely it is right that the small privilege of knowing the reason of such non-concurrence should not be abrogated, if for no other than educational reasons. As to the provision requiring the House of Bishops to act negatively within three days, the Committee do not say as to whether the time might not be wisely enlarged; but surely some time ought to be fixed; for otherwise, any Act of the House of Deputies might be nullified in the House of Bishops, not after a consideration of its merits, but without any consideration, and simply because of a primary indisposition to enter upon its consideration. It is not meant to be implied that in any event the House of Bishops would do less than their whole duty; but at the same time, this constitutional provision, agreed to by the Bishops themselves, is not to be lightly repealed, which renders it impossible that any part of this House's legislation could be defeated by mere non-action. (*Jour. Con. 1877, p. 114*)

In the Convention of 1853 an interesting question arose as to the construction of the provision of Article III, requiring the bishops to signify in writing their disapprobation of an act passed by the House of Deputies within three days after the proposed act shall have been received by them and failure thereof to give such act the operation of a law. A canon had been passed by the House of Deputies on the last day of the session of the previous Convention of 1850 and sent to the House of Bishops on the same day and laid upon the table by that House. The question was whether the phrase, "within three days,"

of the Constitution required that there be three days session subsequent to action reported to the House of Bishops to make this constitutional provision operative. The report of the Committee of Conference, which was accepted by both houses, was that such three days session was not necessary, and, therefore, that the canon had become a law. Singularly enough, the House of Deputies in the Convention of 1874 practically reversed this decision by the adoption of the following declaration:

No Act of this House can take effect as an Act of Convention by the failure of the House of Bishops to concur or non-concur within the specified time, unless this House shall continue its session during the whole of that time, and that by an earlier final adjournment all acts of legislation not completed by the concurrence of both Houses fall to the ground.

SECTION 2

This section prescribes the composition of the House of Bishops, who shall have a seat and vote and whose presence is necessary to constitute a quorum for the transaction of business.

Prior to the General Convention of 1943, suffragan bishops had no vote, and bishops who had resigned their jurisdictions and foreign missionary bishops were excluded from the count of bishops necessary to constitute a quorum.

CONVENTION OF 1904

This Convention amended Section 2 by striking out the word "and" and substituting in place thereof the word "or" in the fourth line, so that it should read:

every Bishop who by reason of advanced age or bodily infirmity, shall have a seat and vote in the House of Bishops.

This amendment was made to meet the case of a bishop who desired to resign his jurisdiction, which he was exercising in name only, to his coadjutor; this he was loath to do, because under the provisions of the Constitution he would lose his seat in the House of Bishops, not being of advanced age and bodily infirmity. Immediately upon enactment of the amendment, he resigned his jurisdiction.

CONVENTION OF 1919

This Convention amended Section 2 by inserting after the word "infirmity" the words "or who, under an election to an office created by General Convention."

This amendment was made to meet the case of a bishop who had resigned his jurisdiction to accept the office of President of the Board of Missions to which he had been elected by the General Convention, thereby losing his vote in the House of Bishops.

CONVENTION OF 1925

At this Convention, the Joint Commission on the Office and Standing of Coadjutor and Suffragan Bishops made a report presenting resolutions proposing amendments of Article I and Article II of the Constitution for adoption by the next General Convention as follows:

Amend Article I, Section 2, by inserting in the first sentence after the words *Bishop Coadjutor* the words *every Suffragan Bishop*.

Amend Article II, Section 4, by striking out in the first sentence after the words *and with a seat* the word *without*.

Thus began a long struggle for the right of a suffragan bishop to vote in the House of Bishops which was defeated for several General Conventions in the House of Deputies. The resolutions presented by the Joint Commission were adopted by the House of Bishops.

In the House of Deputies the report of the Committee on Amendments to the Constitution recommending nonconcurrence was adopted. (*Jour. Con. 1925, p. 320*)

CONVENTION OF 1934

At this Convention no mention of the subject is found in the *Journal* in which the joint commission recommended a return to the former system of having diocesan bishops and assistant bishops. (*Jour. Con. 1934, p. 27*)

CONVENTION OF 1937

At this Convention the Joint Commission to consider the status of bishops, coadjutor and suffragan bishops was discharged by concurrent resolutions. (*Jour. Con. 1937, p. 228*)

CONVENTION OF 1940

A concurrent resolution was adopted submitting to the next Convention an amendment of Section 2 to read as follows:

Section 2. Every Bishop of this Church having jurisdiction, every Bishop Coadjutor, every Suffragan Bishop, and every Bishop who by reason of advanced age or bodily

infirmity, or, who under an election to an office created by General Convention has resigned his jurisdiction, shall have a seat and a vote in the House of Bishops. A majority of all Bishops entitled to vote, exclusive of Foreign Missionary Bishops and Bishops who have resigned their jurisdictions, shall be necessary to constitute a quorum for the transaction of business. (A corresponding amendment of Article II, Sec. 4, was presented. (*Jour. Con. 1940, p. 40*))

The House of Deputies concurred in the submission of that amendment in spite of the recommendation of its Committee on Amendments that it do not. (*Jour. Con. 1940, p. 256*)

CONVENTION OF 1943

In this Convention the amendments prepared in 1940 were first adopted by the House of Bishops on the recommendation of its Committee on Amendments. This time the Committee of the House of Deputies reported favorably on the amendments and the House concurred.

Thus ended a long battle to obtain a vote as well as a seat for suffragan bishops.

In this Convention a concurrent resolution originating in the House of Bishops was adopted proposing for action in 1946 an amendment of this section to read:

Every Bishop of this Church having jurisdiction, every Bishop Coadjutor, every Suffragan Bishop, and every Bishop who, by election to an office created by the General Convention has resigned his jurisdiction, shall have a seat and vote in the House of Bishops; but every Bishop who by reason of advanced age or bodily infirmity has resigned his jurisdiction shall have a seat without vote in the House of Bishops; a majority of all Bishops entitled to vote, exclusive of the Foreign Missionary Bishops, shall be necessary to constitute a quorum for the discussion of business.

In the House of Deputies its committee recommended striking out the word "but" and beginning a new sentence with "Every Bishop . . ." and the substitution of "transactions" for "discussion," but the substitution was lost according to the *Journal* and the resolution adopted as it came from the House of Bishops. (*Jour. Con. 1943, p. 192*)

However, the Committee to Certify Changes certified the proposed amendment in the words of the substitution.

CONVENTION OF 1946

In this Convention the amendment as erroneously certified was presented and not adopted in the House of Bishops so that in the House of Deputies its committee reported that there was no further action

to be taken and was discharged from further consideration of the matter.

CONVENTION OF 1949

At this Convention a concurrent resolution originating in the House of Bishops was adopted proposing to the next Convention an amendment of the section to read:

Every Bishop of this Church having jurisdiction, every Bishop Coadjutor, every Suffragan Bishop, and every Bishop, who under an election to an office created by the General Convention, shall have resigned his position, shall have a seat in the House of Bishops. Every other Bishop who has resigned his position shall have a seat without vote in the House of Bishops. A majority of all Bishops entitled to vote, exclusive of Foreign Missionary Bishops, shall be necessary to constitute a quorum for the transaction of business.

CONVENTION OF 1952

The amendment of Article I, Sec. 2 proposed in the Convention of 1949, which would have deprived retired bishops of a vote in the House of Bishops, was carried in the House of Bishops by a constitutional majority. The Committee on Amendments of the House of Deputies having recommended concurrence, the amendment was rejected by the following vote by orders:

Clerical—Ayes, 29%; noes 44%; divided 6.

Lay—Ayes, 28; noes, 42%; divided 5.

Later in the day a motion to reconsider was lost.

Later in the session the Committee on Constitution and Canons of the House of Bishops was discharged from further consideration of a resolution which would have amended Article I, Sec. 2 so as to deprive both bishops who have resigned their jurisdiction and suffragan bishops of a vote.

SECTION 3

This section governs the election, term, and tenure of office and succession in case of death or disability of the Presiding Bishop.

CONVENTION OF 1916

This Convention adopted the very important amendment providing for the election of a Presiding Bishop.

CONVENTION OF 1919

The first legislation of the General Convention on the subject of a Presiding Bishop is found in Article I, Section 3 of the Constitution as enacted by the Convention of 1901. While a Presiding Bishop had been named in the Constitution and Canons for many years prior thereto, the authority for such an officer depended upon a rule of the House of Bishops making the senior bishop in point of consecration its presiding officer. In the revision of the Constitution in 1901 this new section was added, designating the senior bishop of the Church, in the order of consecration, having jurisdiction within the United States, as the Presiding Bishop of the Church. His duties were to be prescribed by the Constitution and Canons. Provision was made that in case of his death or disability, or in case he should resign his jurisdiction, the bishop next in seniority by consecration should become the Presiding Bishop.

The question of designating some bishop other than the oldest bishop in order of consecration was first brought to the attention of the House of Bishops at a special session thereof, held in October, 1887 by the then Presiding Bishop, Bishop Williams of Connecticut. In his communication to the House he says:

The conviction has long been growing upon me, that our existing arrangement in regard to the presidency of the House of Bishops is, for many reasons an undesirable one. The position in which I find myself today strengthens that conviction, and changes belief to certainty.

After enumerating some of the duties consequent upon the office, he goes on to say:

Under such circumstances, to lay such a burden on the shoulders of the oldest Bishop of this House, one likely to be the oldest in years as well as by consecration, is surely something which would not be thought of in parallel cases in political, judicial, or business arrangements. And when in addition to all that has been mentioned, the person compelled to assume those duties is, as must often be the case, one who has passed the limits of three-score and ten, and is already carrying a burden as heavy as he can bear, the arrangement would seem to be not only unwise, but almost cruel. Nor do I conceive the real difficulty to be even touched by the appointment of a Chairman of this House. While, therefore, I should consider myself guilty of great presumption if I should propose any specific plan for a change in our present arrangement for providing for the presidency of this House, I do not consider that I am making an unreasonable request in asking the House to appoint a special Committee to take this subject into consideration and to report thereon, if possible, at our present session, or, if that be impracticable, at our next meeting. (*Jour. Con.* 1889, p. 538)

The House appointed a committee consisting of five bishops next in seniority to consider and report on the above communication at the next meeting of the House of Bishops.

This committee made a report to the House of Bishops at the session of the General Convention of 1889, providing for the election of a chairman of the House of Bishops who should perform certain of the duties heretofore devolving upon the Presiding Bishop. This report was not accepted by the House, but a substitute was accepted providing that the Presiding Bishop might assign to the chairman of the House of Bishops, as the Assessor of the Presiding Bishop, "any duties connected with his office from which, from time to time, he may desire to be relieved."

That this provision did not meet the needs of the case, in the opinion of the Presiding Bishop, is evident from the communication which he made to the House of Bishops at the Convention of 1892. After gratefully acknowledging the relief that had been afforded him by the action of the House at the preceding Convention, he goes on to say:

But all this does not reach the point which, it seems to me, ought to be reached in this matter. The office of Presiding Bishop is the only one of which I know, that cannot, under the present arrangements, be declined. Whether he will or not, whatever may be his conditions physical or mental, he on whom this office falls is compelled to accept it. And only by death, deposition, or resignation of his jurisdiction, and that *not* "for reason of advanced age and bodily infirmities arising therefrom," can he resign it. I cannot see how these restraints can be regarded otherwise than as hardships. Nor can I help expressing the hope that some action may be taken by this House which will put an end to such an anomalous state of things. (*Jour. Con. 1892, p. 12*)

Again a committee consisting of the five oldest bishops in order of consecration was appointed to consider and report on this communication.

The committee reported certain resolutions stating the opinion of the House that it was competent for the Presiding Bishop to devolve all the duties pertaining to his office upon the chairman elected by the House; also that it was competent for any bishop to decline entering upon the office and to resign the same at his discretion. Provision was also made for declaring the Presiding Bishop incapable of performing the duties of his office, and the calling of a special meeting of the House of Bishops to meet the emergency. This report was adopted by the House.

In 1901 the question of the election of a Presiding Bishop was again

brought to the attention of the House of Bishops by the then Presiding Bishop, Bishop Clark of Rhode Island, in his report to the House. After enumerating the various acts he had performed as Presiding Bishop, he concludes his report as follows:

May I be allowed, in conclusion, to suggest to the House that there is an indefiniteness in the nature and character of the office of Presiding Bishop, which not infrequently has occasioned me some embarrassment. For the most part the work to be discharged is simply perfunctory, but there are certain important things which the Presiding Bishop is required to do which call for the exercise of careful judgment and great discretion. . . . To leave such important affairs as these to the sole discretion of an aged man who may not be competent to exercise proper judgment in matters of importance, seems to me unwise; and I trust that the House of Bishops will take into consideration making the office of Presiding Bishop elective, instead of leaving it to be determined by the simple fact of seniority. (*Jour. Con.* 1901, p. 15)

This portion of the Presiding Bishop's report having been referred to the Committee on Amendments to the Constitution of the House of Bishops, it reported an amendment to Article I, Section 3, providing for the election of the Presiding Bishop. This proposed amendment was approved by both houses and referred to the next Convention for final action. In the Convention of 1904, the House of Bishops reversed its former action, and voted against the adoption of the proposed amendment. The House of Deputies, however, adopted a resolution for the appointment of a joint committee to consider the matter of the election of a Presiding Bishop and report to the next Convention. The House of Bishops concurred in the adoption of this resolution. The joint committee reported to the Convention of 1907 a proposed amendment to Article I, Section 3, of the Constitution providing for the election of the Presiding Bishop by the General Convention. The amendment was approved by both houses and referred to the next Convention for final action. In the Convention of 1910 the House of Bishops failed to ratify the proposed amendment but adopted a new amendment containing the substance of the former amendment in a shortened form. The House of Deputies concurred in the adoption of the new amendment, and it went over to the Convention of 1913 for final action. In the Convention of 1913 the House of Bishops again refused to ratify its action taken at the preceding Convention, providing for the election of a Presiding Bishop. This refusal was due to the omission of any provision in the proposed amendment for the definition by canon of the duties of the Presiding Bishop. This defect being corrected, the House of Bishops again adopted the proposed

amendment, the House of Deputies concurring. In the Convention of 1916, when the proposed amendment came up for final action, it was once more defeated by the House of Bishops because no provision was made therein for a successor to the Presiding Bishop in case of his death. This defect having been remedied, the proposed amendment was approved by both houses, and referred to the Convention of 1919 for final action. In the Convention of 1919, no further omissions or defects having been discovered, the amendment was adopted by both houses and became a part of the Constitution. The only other national Church in the history of Christendom that followed the same rule of having its oldest bishop, in point of consecration, as its Presiding Bishop was the Church of North Africa.

CONVENTION OF 1928

The Convention of this year adopted concurrent resolutions proposing the following amendments for action in 1931:

Amend Section 3, paragraph 1, by striking out the words "having jurisdiction within the United States" and inserting in place thereof the words "of this Church";

Amend Section 3, paragraph 2, by striking out the words "shall thereupon become the Presiding Bishop of the Church until an election of Presiding Bishop be held by General Convention" and substituting the words "shall (unless the date of the next General Convention is within three months) immediately call a special meeting of the House of Bishops to be held within two months to elect a Bishop having jurisdiction in the United States to be the Presiding Bishop. The Bishop so elected shall serve until the next General Convention";

Amend Section 3, paragraph 2, by striking out the words "or if he shall resign his episcopal jurisdiction."

It had been suggested in the House of Deputies that a successor, in the event of the death or disability of the Presiding Bishop, be elected by the National Council. The Committee on Amendments to the Constitution reported adversely on the ground that the Council is not a constitutional body, and its report was adopted.

In the House of Bishops the Committee on Amendments to the Constitution was asked to consider changes necessary to enable the House to elect a bishop coadjutor as Presiding Bishop. It reported that "the only method of making it clear that the House may elect a Bishop Coadjutor as Presiding Bishop would be a change in that section by making it provide that 'the House of Bishops shall choose one of the Bishops having jurisdiction or one of the Coadjutor Bishops within the United States.'" Mark the words "making it clear," indicating

doubt whether a bishop coadjutor might be elected. At that time Section 3 provided that the House of Bishops should choose "one of the Bishops having jurisdiction within the United States." Subsequent amendment makes any "Bishop of this Church" eligible.

The House of Deputies adopted a resolution, in which the House of Bishops did not concur, proposing a resolution for action in 1931 amending Section 3 to read:

The General Convention shall elect a member of the House of Bishops to be Presiding Bishop of the Church. His term and tenure of office and duties shall be prescribed by the Canons of the General Convention. The election of a Presiding Bishop shall be had in a joint executive session of the House of Bishops and of the House of Deputies. A concurrent vote of a majority of the House of Bishops and of the House of Deputies, each House voting separately by ballot, shall be necessary to election.

CONVENTION OF 1931

The amendments proposed in 1928 were ratified by this General Convention.

The effect of these amendments was:

- 1) to make any bishop eligible for election as Presiding Bishop,
- 2) to allow a Presiding Bishop to resign as a diocesan and
- 3) to provide for an election where a vacancy occurred more than three months before the next General Convention, instead of succession of the senior diocesan pro tempore.

This Convention by concurrent resolution proposed for action at the General Convention of 1934 the amendment of this section by inserting the words "the close of" after the word "until," so that the last sentence should read:

The Bishop so elected shall serve until the close of the next General Convention.

CONVENTION OF 1934

The amendment proposed in 1931 was supported at this General Convention by memorials from several dioceses and was adopted by the House of Bishops. In the House of Deputies the message from the House of Bishops, informing the former of their actions was first placed on the calendar and then referred to committee, from which it does not appear to have ever been reported out.

This Convention by concurrent resolution proposed for action in 1937 an amendment of the second sentence in paragraph 1 to read as it does now.

CONVENTION OF 1937

This General Convention adopted the amendment proposed in 1934. Since this time, retired bishops not present are excluded from the number counted to determine a majority of all bishops, unless two-thirds of the House are present.

At this Convention a resolution was introduced in the House of Deputies and, on recommendation of the Committee on Amendments to the Constitution, was not adopted, making Section 3 a separate article.

CONVENTION OF 1940

This General Convention adopted a concurrent resolution proposing a new section to follow Section 3 and be numbered Section 4, which is treated here because it concerns the Presiding Bishop. It read:

Section 4. The General Convention may establish a See for the Presiding Bishop which may embrace the whole or any part of a Diocese now existing or hereafter formed. Once the See is so established, the Presiding Bishop shall exercise sole jurisdiction. If the See shall embrace any entire Diocese or the greater part thereof, such Diocese shall elect an Auxiliary or Assistant Bishop. The Bishops of the Diocese, in which the See is located, or such Auxiliary or Assistant Bishop, shall have such powers and duties with reference to said See, as shall be prescribed by Canon or Canons, by which the status of such Auxiliary or Assistant Bishop shall likewise be defined. The General Convention may, at any time, abolish such See.

At this Convention the Joint Commission to Consider the Matter of a See for the Presiding Bishop, acting on the response of the Diocesan Convention of Washington to a request from the General Convention of 1934 that it give sympathetic consideration to a proposal to place the official residence of the Presiding Bishop at Washington, recommended

- 1) That the Cathedral at Washington be designated as the seat of the Presiding Bishop.
- 2) That the Presiding Bishop be given a seat in the Cathedral commensurate with the dignity of his office.
- 3) That he be given the right to use the Cathedral for occasions incident to his office as Presiding Bishop, pursuant to action of the Cathedral Chapter.

A resolution to this effect was appended to the report and became the concurrent resolution of both houses.

CONVENTION OF 1943

The proposed new section, with reference to a Primal See, was introduced in the House of Deputies and on recommendation of its Com-

mittee on Amendments to the Constitution was referred to the Joint Committee to Consider a See for the Presiding Bishop to report at the next General Convention.

A concurrent resolution was adopted continuing the Joint Committee for the purpose of considering the matter with the Presiding Bishop and negotiating with any diocese willing to enter into some arrangement for establishing such a see.

This Convention adopted a concurrent resolution proposing an amendment of the first sentence of Section 3 for action at the next Convention to read:

At the General Convention next before the expiration of the term of office of the Presiding Bishop, it shall elect the Presiding Bishop of the Church.

It was in this year that the joint committee in its report made a number of suggestions for amendment of canons with respect to the Presiding Bishop.

CONVENTION OF 1946

The amendment proposed in 1943 was ratified at this Convention thus bringing Article I, Section 3, into its present form.

The Joint Committee to Consider a See for the Presiding Bishop reported recommending the creation of such a see in Arlington county, Virginia, and proposed resolutions looking to its creation.

On presentation of the report in the House of Bishops a resolution creating such a see without fixing its location was defeated, in which action the House of Deputies concurred.

SECTION 4

This section relates to the composition of the House of Deputies and the manner of voting therein, and is an amendment of former Article II.

CONVENTION OF 1901

The principal changes made by the revision of 1901 in that article were as follows:

After the words "The Church in each Diocese," in the first line thereof, were added the words, "which has been admitted into union with the General Convention."

The former article required that the deputies, both clergymen and laymen, must be "communicants in this Church, residents in the

Diocese, and chosen in the manner prescribed by the Convention thereof." The new section of the article prescribes that the clergymen, now called presbyters, shall be "canonically resident in the diocese," and the laymen "communicants of this Church, having domicile in the Diocese," and that "each Diocese shall prescribe the manner in which its Deputies shall be chosen."

A new sentence was added to provide for a possible reduction in the number of deputies from each diocese, giving the General Convention power to enact a canon reducing the representation to not fewer than two deputies in each order.

In the provision for a quorum for the transaction of business, the revised Constitution requires that each order shall be represented by at least one deputy in each of a majority of the dioceses. The former constitutional provision was that the Church in a majority of the dioceses shall be represented before they proceed to business. The present provision is more definite and less likely to be misconstrued.

Under the former provision the question arose as to what constitutes such a representation. The Convention of 1844 adopted a resolution referring this question to the Committee on Canons with directions to report thereon to the next Convention. In the Convention of 1847 the committee reported that in order to constitute a quorum "each Diocese should be considered sufficiently represented for that purpose, if one clerical and one lay deputy be present in convention." This report was laid upon the table and was not acted upon during the Convention.

The provision for a vote by orders was not changed by the revision but rewritten and freed from certain ambiguities.

The provision of former Article II, that dioceses unrepresented in any General Convention shall nevertheless be bound by the acts of such Convention, was repealed by the Convention of 1901, presumably because it was thought that so self-evident a truth required no constitutional provision.

CONVENTION OF 1925

A memorial was presented at this Convention from the Diocese of Lexington for amendment of this section, making women eligible for membership in the House of Deputies which was referred to its Committee on Amendments. The committee, having reported unfavor-

ably, appears to have been discharged from further consideration of the matter.

A resolution offered by Professor Beale for amendment of the section so that on a vote by dioceses and orders a divided vote should be counted one-half in the affirmative and one-half in the negative received similar action.

Very little is said in the original edition upon such a vote. The question will be seen arising in many Conventions after 1925.

As construed, the Constitution requires a divided vote be counted in the negative.

CONVENTION OF 1928

At this Convention a concurrent resolution, introduced by Professor Beale, was adopted proposing an amendment of the fourth paragraph of the section as follows:

In all cases of a vote by Orders, the two Orders shall vote separately, each Diocese having one vote in the Clerical and one vote in the Lay Orders, and each Missionary District within the boundaries of the United States of America having a one-fourth vote in the Clerical Order and a one-fourth vote in the Lay Order; and the concurrence of the votes of the two Orders shall be necessary to constitute a vote of the House. No action of either Order shall pass in the affirmative unless it receives the majority of all votes cast, and unless the sum of all the affirmative votes shall exceed the sum of other votes by at least one whole vote.

Professor Beale also proposed an amendment to read: "If the vote of a Diocese in either Order is divided, it shall be counted as one-half vote in the affirmative and one-half vote in the negative."

On this proposal the Committee on Amendments of the House of Deputies reported as follows:

The Committee deems this proposal inexpedient because a vote by Orders is a vote by representatives of the Dioceses and Missionary Districts who vote in their representative capacity and not in their individual capacity. In so voting it is the Dioceses and Districts which vote and from the establishment of the General Convention down to the present date it has always been the requirement that there must be an affirmative majority to carry a measure. Not only is this the case because the action is that of Dioceses and Districts and not of individuals but also because it is desirable on important matters that something more than a mere majority of voices should be necessary for the adoption of the matter in hand.

The amendment actually proposed was recommended by the committee, showing that in its opinion the principle set forth in opposition to the Beale amendment was preserved.

CONVENTION OF 1931

The proposed amendment was adopted by concurrent resolutions in this Convention.

Before the amendment the provision had read:

... and the concurrence of the vote of the two orders, by not less than a majority of whole votes in each order of all the Dioceses and Missionary Districts within the boundaries of the United States of America represented in that order at the time of the vote, shall be necessary to constitute a vote of the House.

The provision remains the same and divided votes, in spite of protest and efforts to further amend the section, continue to be counted in the negative.

CONVENTION OF 1934

At this Convention the House of Deputies adopted a resolution, on which the House of Bishops did not vote, proposing an amendment of the section by inserting the words "necessary to constitute a vote of the House," and a new sentence to read: "In case the clerical or lay vote of a diocese is divided, it shall be counted as half a vote in the negative." In the House of Bishops the proposal was referred to its Committee on Amendments and not reported on.

CONVENTION OF 1937

At this Convention an amendment of the section was proposed in the House of Deputies, providing for reduction in the number of clerical and lay deputies from a diocese which had not paid its full "assessment for missions." An adverse report of the Committee on Amendments was adopted.

CONVENTION OF 1940

An amendment of the second paragraph was proposed by concurrent resolution for ratifications in 1943, striking out the words "within the boundaries of the United States of America." To fully accomplish the purpose of this amendment, an amendment of Section 6 was also proposed (*infra*).

It was also proposed by concurrent resolution that the fourth paragraph of the section be amended by striking out the words "within the boundaries of the United States."

The purpose of these proposals was to place foreign missionary districts, which under Section 6 were entitled to one clerical and one lay deputy with no vote, on an equality with domestic missionary districts.

CONVENTION OF 1943

These amendments were ratified by concurrent resolution in this Convention.

A resolution was presented in the House of Deputies increasing the number of deputies from missionary districts to two in each order and did not pass.

The opponents of the divided-vote rule again presented a resolution to amend the last sentence to read:

No action of either order shall pass in the affirmative unless it receives a majority of all votes cast in the affirmative and the negative. Divided votes shall not be counted in determining the result.

The Committee on Amendments offered the following substitute:

Where the vote of a Diocese in either order is equally divided, one-half of such vote shall be recorded as cast in the affirmative and one-half in the negative.

The resolution was tabled by a vote of 196 to 183.

At this Convention there was general dissatisfaction with the rule which had resulted in defeat of proposed amendments of the canons governing Holy Matrimony which, save for its application, would have been amended.

CONVENTION OF 1946

At this Convention Judge Augustus N. Hand of New York presented an amendment adding a new sentence at the end of the section as follows:

Where the vote of a Diocese in either order is equally divided, one-half of such vote shall be recorded as cast in the affirmative and one-half in the negative.

A resolution was also presented striking out the second sentence of the fourth paragraph and substituting:

In all cases of a vote by orders, the two orders shall vote separately, each deputy having one vote; and the concurrence of the votes of the two orders shall be necessary to constitute a vote of the House.

These proposals were referred to the Committee on Amendments. It reported in favor of Judge Hand's resolutions and also proposed a resolution amending Section 4 by striking out the word "other" in the last sentence and substituting the words "all the negative."

CONVENTION OF 1949

These amendments were ratified by the House of Bishops and rejected by the House of Deputies, in which the vote was:

Clerical—Ayes 35½; noes 34½; divided 8.

Lay—Ayes 35; noes 34½; divided 9.

Adding an equal number to the ayes and noes in the clerical order would not have affected the result. A division of the divided votes in the lay order makes the result: ayes 39½, noes 38¾, which would not affect the result.

Doubtless as a result of the controversy over women delegates, an amendment was proposed for action in 1952, substituting the words "lay persons" for the word "laymen" and adding after the words "having domicile in the Diocese" the words "provided, however, that no more than one woman shall be chosen from any Diocese or Missionary District."

A substitute, changing "be chosen from" to "represent," was accepted. On a vote by orders the result was:

Clerical—Ayes 28½; noes 35½; divided 16.

Lay—Ayes 24¾; noes 46¾; divided 7.

Here again a division of the divided vote would not have affected the result.

A proposal, on the part of the Diocese of Maryland to amend the section so as to provide that when a missionary district shall regularly assume three-quarters of its support, it shall be accorded the same number of deputies as a diocese, and to amend the canons to allow a missionary district having six parishes and six priests to elect its own bishop, was referred to the Committee on the Structure and Organization of General Convention.

CONVENTION OF 1952

The report of the Joint Commission to Consider the Problem of Giving the Women of the Church a Voice in the Legislation of the General Convention (*Jour. Con. 1952, p. 668*) was presented in the House of Deputies and referred to the Committee on Amendments to the Constitution, to which memorials from the Dioceses of Washington and Massachusetts and a resolution amending Article I, Sec. 4 by substituting the words "lay persons" and "lay person" for the words "laymen" and "layman" were also referred.

The joint commission in its report had recommended such an amendment and requested the preparation of a resolution to effect it.

The Committee on Amendments presented a report containing a resolution amending Article I, Sec. 4 so as to provide that the lay deputies of a diocese or missionary district may be men or women or a man or woman, respectively. The committee made no recommendation concerning adoption or rejection of the proposal.

It will be observed that the resolution presented by the committee contained no limitation on the number of women in a diocesan delegation.

The joint commission had concluded its report as follows:

Because of the theological and historical positions stated above, and after careful consideration of their practical implications, this Commission states that it believes there is no basis of distinction in principle between men and women as *lay persons* in the Church. (*Jour. Con. 1952, p. 672.*)

The question came before the House of Deputies on the resolution contained in the report of its committee which was rejected on the following vote by orders:

Clerical—Ayes, 43½; noes, 26¼; divided 10.

Lay—Ayes, 30¼; noes, 34½; divided 12.

The question was, therefore, not presented in the House of Bishops and will not come before the Convention of 1955 for final action.

The Committee on Amendments to the Constitution of the House of Deputies reported its approval of the recommendation of the Joint Committee on Structure and Organization of General Convention and presented the following resolution:

Resolved, the House of Bishops concurring, that the 4th paragraph of Section 4 of Article 1, of the Constitution be amended by adding thereto the following sentence:

An equally divided vote of a Diocese or Missionary District in either order shall be counted as one-half a vote in that order in favor and one-half a vote in that order against the proposed action except only that in case of a proposal to amend the Constitution or to revise the Prayer Book such a divided vote shall be counted as a vote against the proposed amendment or revision.

On a vote by orders the result was:

Clerical—Ayes, 32; noes 41½; divided 7.

Lay—Ayes, 33¼; noes 41½; divided 4.

The resolution was therefore defeated.

SECTION 5

There has been no change in this section, which regulates adjournment, since 1925. Its language is too plain to require any comment.

SECTION 6

In the original text, this section, which governs the deputies from foreign missionary districts, was confused with Section 7. As it stood in 1925, Section 6 gave foreign missionary districts and the Convocation of the American Churches in Europe one clerical and one lay deputy apiece "subject to all the qualifications and with all the rights of Deputies except the right to vote when the vote shall be taken by orders."

CONVENTION OF 1904

This Convention further amended Article I, by the addition of a new section, numbered Section 6, and to read as follows:

Section 6. One Clerical and one Lay Deputy chosen by each Missionary District of this Church within the boundaries of the United States, shall have seats in the House of Deputies, subject to all the qualifications and with all the rights of Deputies except the right to vote when the vote shall be taken by orders.

This amendment gave each domestic missionary district a representation in the House of Deputies.

Former Section 6 was renumbered as Section 7.

After the adoption of Section 6, as above noted, the Committee on Amendments to the Constitution, in the House of Deputies, was requested to define the exact meaning of the words "within the boundaries of the United States," as these words appear in the new Section 6. The committee reported the following resolution:

Resolved, That in the judgment of this House the words in Article I, Section 6 (now Section 4), of the Constitution, to wit: "Within the boundaries of the United States," are intended to include all the territory and possessions within the jurisdiction of the United States.

This report was adopted by the House.

CONVENTION OF 1907

This Convention amended Section 6, enacted by the Convention of 1904, by inserting after the words "of the United States" the words

and one Clerical and one Lay Deputy chosen by the Convocation of the American Churches in Europe.

CONVENTION OF 1932

Section 2 was amended by this Convention by making former Section 6 the second paragraph of the said Section 2.

The principal changes made by these amendments were first, giving to deputies from domestic missionary districts each a one-fourth vote on a vote by orders, and second, requiring that a majority of "whole votes" in each order should be necessary to constitute a vote of the house. A question arises as to the meaning of "whole votes." Suppose in one order 30% votes were cast in the affirmative, and 30 votes in the negative, would the 30% votes constitute a majority of the House? This question arose in the House of Deputies in the General Convention of 1922. On the question of concurring with the Message of the House of Bishops in the adoption of a certain resolution, 25% votes in the lay order were cast in favor of concurrence, and 24½ votes, counting the divided votes as negative votes, were cast in the negative. There were thus 50% votes cast, requiring 26 whole votes to constitute a majority in the affirmative. The president of the house at first declared that the house had concurred with the House of Bishops in adopting the resolution, but upon his attention being called to the wording of the Constitution requiring a majority of whole votes, he reversed his ruling and declared that the house had not so concurred. This ruling, which was unquestionably right, was sustained by the house.

The same Convention enacted a new Section 6, which provided for one deputy of each order from foreign missionary districts, and from the American Churches in Europe, with all the qualifications and rights of deputies from diocese, except the right to vote when the vote is taken by orders. The provision that the American Churches should have a representation in the House of Deputies was contained in the former Section 6.

CONVENTION OF 1940

By concurrent resolution, this General Convention proposed amendment of this section for ratification in 1943 to read in its present form so as to give deputies from foreign missionary districts and the Convocation of the American Churches in Europe all the rights of deputies.

CONVENTION OF 1943

The proposed amendment was adopted by this General Convention

without any dissent in the House of Deputies, the members of which voted unanimously in its favor.

SECTION 7

This section relates to the time and place of the meeting of the General Convention, and amends the first part of former Article I, which provided that the General Convention should meet every third year on the first Wednesday in October, and in such place as shall be determined by the Convention. The only change made by the Convention of 1901, aside from the change in phraseology, was in giving the Presiding Bishop power to change the place of meeting, if sufficient cause shall appear to him to warrant such change, and striking out the former provision that he might make such change, "in case there shall be an epidemic disease, etc." (See earlier provisions, *supra*, p. 6.)

EXPOSITION OF ARTICLE I

The present Constitution begins with these words: "There shall be a General Convention of this Church, consisting of the House of Bishops and the House of Deputies." When in 1789, the whole Church in the United States, through its competent representatives, declared: "There shall be a General Convention of the Protestant Episcopal Church in the United States," it enunciated the great principle that this was a national Church, and that such a Convention was to be its highest council. The mere act of establishing this council involved and attached to it every power inherent in such a body and not expressly refused to it. The Constitution gives to the General Convention all the power that any body can possibly be possessed of, with the exception of certain restrictive words which are inserted therein. By its terms the General Convention possesses unlimited power of legislation on all subjects concerning the whole Church in the United States, except where, by express words, such power is limited.

The foregoing are the words of Dr. White in the edition of 1924. The present annotator questions whether so broad a statement can be supported.

Here we should remember the words of Archbishop Laud:

Nothing is simply fundamental because the Church declares it, but because it is so in the nature of things the Church declares . . . If the Church can so add, that it can by a declaration make a thing to be fundamental in the faith that was not; then it can take a thing away from the foundation, and make it by declaring not to be fundamental; which all men grant no power to the Church to do. (*Works*, II, 61; XV, 37, 62)

On August 5, 1789, a resolution was unanimously adopted:

That a complete order of Bishops, derived as well under the English as the Scots line of Episcopacy, doth now subsist within the United States of America, in the persons of the Right Revd. William White, D.D., the Right Revd. Samuel Provost, D.D., and the Right Revd. Samuel Seabury, D.D.

On the very day that the Constitution went into effect, the Church in the United States had all the essential elements of a national Church. It had its three bishops within its limits, competent to transmit the succession and sufficient to compose a synod. As Judge Hoffman well says:

The power of the Convention of 1789 involved the power of rendering the system of government stable and enduring. Its office was not to establish a fugitive coalition, but a perpetual union. It possessed, therefore, the right of instituting and providing for the continuance of a body with similar jurisdiction to its own; a body in which should reside all authority necessary for the purposes, and commensurate with the object of the Church; a body essentially of superior ultimate jurisdiction. Such a body was established when it was declared "that there should be a General Convention of the Protestant Episcopal Church of the United States." Provision was made for its renovation and perpetuity; the elements of its organization were prescribed, and certain self-imposed restrictions were proclaimed. (*Law of the Church*, p. 110)

When the declaration that there shall be a representation of both clergy and laity in the House of Deputies was placed in the Constitution, the American Church proclaimed its adherence to the great principle that those who were to be governed by ecclesiastical laws had a right to a voice in making them, and that this right belongs to the laity as well as to the clergy. The Provincial Convocations of the Church of England differ herein from our General Convention, as the laity have no representation in those Convocations, with the result that while all laws enacted by Convocation are binding upon the clergy they are not binding upon the laity. Any ecclesiastical law to be binding upon the laity must be enacted by Parliament in which the laity are represented.

The admission of the laity into the councils of the Church was one of the dividing points in the organization of our national Church. Dr. Hawks, in his *Constitution and Canons*, tells us that

Bishop Seabury, in accordance with the principles and views of the Scottish Church, from which he had obtained his consecration, was opposed to the admission of the laity in the councils of the Church, and his clergy concurred in his opinion of its

impropriety, as involving a departure from primitive usage. Bishop Seabury finally yielded to what he perceived was the almost universal opinion of the Church.

Bishop White is quoted as saying that the Church in this country could never have been organized into a national Church on the principle of excluding the laity from a voice in its legislation. Not only have the laity a voice in the Church's legislation, but they also have a veto on all legislation, even against the expressed desire of bishops and clergy. The clerical or the lay representation from any diocese may demand a vote by orders on any question of legislation that comes before the House of Deputies. In such a vote, each order votes separately, and the concurrence of the two orders by a majority vote in each order is necessary to constitute a vote of the house, thus placing it in the power of the laity to defeat any measure to which they are opposed. It has happened many times in General Convention history that an important measure which has received a majority vote of both the House of Bishops and of the clerical order has been defeated by the vote of the laity.

Another principle established by the American Church in the beginning was the ratio of representation. Before the union of the several dioceses into a national Church, each diocese was an independent unit of the Church. This independence the General Convention recognized by making the ratio of representation dependent, not on size or numbers, but on the ground of entire equality of rank, each diocese, whatever its size, having the same number of deputies in each order. We are assured by Bishop White that "on no other ground would the Dioceses ever have consented to unite in a national Church."

Bishops do not represent their dioceses; they sit in the House of Bishops, *virtute officii*, but the clerical and lay deputations specifically represent the diocese to which they belong. If a diocese has but one deputy present, upon a vote by orders, that deputy can cast the vote of his diocese in his order, and that vote will be equal to the vote of the largest diocese with all four of its deputies present in that same order.

It is not surprising that in time this inequality of representation should cause some dissatisfaction in the larger dioceses, especially when some measure they were interested in was defeated by the votes of the smaller dioceses, and that the principle of proportionate representation should find some advocates. As early as 1832, we find that a proposed amendment to the then Article II of the Constitution was

introduced in the House of Deputies. It provided that each diocese should be represented by not less than two and not more than ten deputies, according to the following ratio:

Every Diocese shall be entitled to one Clerical and one Lay Deputy; and to one additional Clerical Deputy for every eight Clergymen actually residing in such Diocese; and to one additional Lay Deputy for every ten parishes belonging to the Convention of the same.

Consideration of the proposed amendment, however, was indefinitely postponed.

Amendments to Article I to provide for proportionate representation have been introduced in General Convention again and again, and each time have been either laid upon the table, indefinitely postponed, or overwhelmingly defeated. In the Convention of 1880, a vote was taken on a resolution to indefinitely postpone the matter, and there was only one clerical vote against postponement to forty-one in favor. In the lay order, five voted against postponement, forty in favor, and three divided.

In the Convention of 1913, proportionate representation was again brought before the House of Deputies in the form of a proposed amendment to Article I of the Constitution. The House of Deputies appointed a special committee to consider the subject and report to the next Convention. The committee presented a report to the Convention of 1916 proposing to amend the first paragraph of Article I, Section 4 to read as follows:

The Church in each Diocese which has been admitted to union with the General Convention shall be entitled to representation in the House of Deputies by three Presbyters, canonically resident in the Diocese, and by three Laymen, communicants of this Church, having domicile in the Diocese; and in addition thereto, by one Deputy in each Order for each one hundred Clergymen, or major fraction thereof, entitled to a seat and vote in the Diocesan Convention at the time of the election of such Deputies; Provided, That no Diocese shall be entitled to representation by more than six Presbyters and six Laymen. Each Diocese shall prescribe the manner in which its Deputies shall be chosen.

A vote being taken upon the proposed amendment, it was overwhelmingly defeated. In the clerical order, eleven dioceses voted Aye and fifty-two No. In the lay order, ten dioceses voted Aye and forty-eight No.

The mind of the Church in the matter seems to have been well set forth in the reports of the Committee on Amendments to the

Constitution when the question was presented for their consideration and report. In 1877 the committee reported, in part, as follows:

It may or may not be true that the idea of Diocesan equality originated in the equality of the members of the House of Bishops. If it originated in this manner, it may be said that the analogy was obvious and just; if not, then it may be said with great force that, independently of all analogy, the framers of the Constitution intended to establish the principle of Diocesan equality as the foundation upon which the Church in the United States was to be built; upon that foundation it has been built.

In the debate upon the question in the House of Deputies in 1877, a distinguished lay deputy said:

It is not a question of numbers, it is not a question of taxation or temporal representation, but it is a spiritual question. The proposition was that the Church had built up the equality of Dioceses, and to destroy that equality now would be to destroy the very foundation upon which the Church in the United States has been built up.

In 1883 the committee reported to the House of Deputies that it did not "feel prepared to advise so radical a change as that contained in the proposition before them, in the fundamental principles on which the General Convention was originally constituted."

It was clearly evidenced in the debate upon the question in the House of Deputies in 1916 that there was a strong feeling on the part of many that the Convention had no moral right to deprive the smaller dioceses of that equality of representation which had been granted to them in the beginning upon the condition of their entering the union of dioceses. It is evident that the Church was not yet prepared to adopt the principle of proportionate representation.

The question of the size of the House of Deputies is a serious one and has received the consideration of the House of Deputies in several conventions, as before noticed. There are now more than six hundred deputies entitled to seats, and this number will continue to increase as new dioceses are formed. It is becoming more and more difficult to find suitable assembly rooms large enough to accommodate the House of Deputies. Every effort that has been made in Convention to take advantage of the provisions of Article I which allows the Convention, by canon, to reduce the representation of a diocese to not fewer than two deputies in each order has been decisively defeated. There seems little hope of effecting the needed relief by this method. It is possible that sometime in the future relief may be found through the provincial system by giving to provincial synods

greater power in matters of legislation, and then making the House of Deputies to consist of deputies elected by the several synods, with the General Convention meeting less frequently than at present. There are several serious objections to this plan, however, and the provincial system must be given more time to prove its worth before this plan can expect to receive very serious consideration.

That the provision for a vote by orders in the Constitution prior to 1901 was not wholly free from ambiguity is evidenced by the fact that in the Convention of 1844 the Committee on Amendments to the Constitution in the House of Deputies was requested for an opinion as to "what constitutes a majority of the House voting by Dioceses and Orders." In the Convention of 1856 the House of Deputies decided that a question lost by non-concurrence of orders was not determined in the negative, and could be presented essentially in an altered form.

Article I, Section 2 defines the full membership of the House of Bishops. There are five categories: bishops having jurisdiction, bishops coadjutor, suffragan bishops, bishops who have resigned their jurisdiction by reason of advanced age or bodily infirmity, and bishops who, having been elected to an office created by the General Convention, have resigned their jurisdiction. Coadjutors are distinguished from bishops having jurisdiction because they do not, *virtute officii*, have jurisdiction. When a diocesan assigns duties to a coadjutor, such duties do not include jurisdiction if all questions of discipline and transfer are retained by the diocesan. To determine whether a coadjutor has jurisdiction or not depends upon whether the diocesan has conferred on him any power of discipline or transfer of clergyman. If he has, then the coadjutor has jurisdiction; if he has not, then he has not jurisdiction. In other words, jurisdiction is confined to diocesans and missionary bishops, unless in any case it has been conferred on a coadjutor.

A bishop invited by the standing committee of a diocese in which there is a vacancy in the episcopate to exercise episcopal duties does not exercise jurisdiction, unless he is made the ecclesiastical authority or placed in provisional charge by the convention of the diocese. A standing committee does not exercise jurisdiction; it only acts through a bishop where an episcopal ministration is involved.

ARTICLE II

SECTION 1. In every Diocese the Bishop or the Bishop Coadjutor shall be chosen agreeably to rules prescribed by the Convention of that Diocese. *Provided, however,* that when a Diocese shall be formed out of a Missionary District, the Missionary Bishop in charge of said District shall become the Bishop of said Diocese, if he shall so elect. Missionary Bishops shall be chosen in accordance with the Canons of the General Convention.

Election of
Bishops

SEC. 2. No one shall be ordained and consecrated Bishop until he shall be thirty years of age; nor without the consent of a majority of the Standing Committees of all the Dioceses, and the consent of a majority of the Bishops of this Church exercising jurisdiction within the United States. But if the election shall have taken place within three months next before the meeting of the General Convention, the consent of the House of Deputies shall be required in place of that of a majority of the Standing Committees. No one shall be ordained and consecrated Bishop by fewer than three Bishops.

Required age

Consent to
election

Consecration

SEC. 3. A Bishop shall confine the exercise of his office to his own Diocese or Missionary District, unless he shall have been requested to perform episcopal acts in another Diocese or Missionary District by the Ecclesiastical Authority thereof, or unless he shall have been authorized and appointed by the House of Bishops, or by the Presiding Bishop by its direction, to act temporarily in case of need within any territory not yet organized into Dioceses or Missionary Districts of this Church.

Jurisdiction
of Bishops

SEC. 4. It shall be lawful for a Diocese, with consent of the Bishop of that Diocese, to elect one or more Suffragan Bishops, without right of succession, and with seat and vote in the House of Bishops. A Suffragan Bishop shall be consecrated and hold office under such conditions and limi-

Suffragan
Bishops

tations other than those provided in this Article as may be provided by Canons of the General Convention. He shall be eligible as Bishop or Bishop Coadjutor of a Diocese, or as a Suffragan in another Diocese, or he may be elected by the House of Bishops as a Missionary Bishop.

May become
Ecclesiastical
Authority

SEC. 5. It shall be lawful for a Diocese to prescribe by the Constitution and Canons of such Diocese that upon the death of the Bishop a Suffragan Bishop of that Diocese may be placed in charge of such Diocese and become temporarily the Ecclesiastical Authority thereof until such time as a new Bishop shall be chosen and consecrated; or that during the disability or absence of the Bishop a Suffragan Bishop of that Diocese may be placed in charge of such Diocese and become temporarily the Ecclesiastical Authority thereof.

Resignation

SEC. 6. A Bishop may not resign his jurisdiction without the consent of the House of Bishops.

Suffragan
Bishop for
Armed
Forces

SEC. 7. It shall be lawful for the House of Bishops to elect a Suffragan Bishop who, under the direction of the Presiding Bishop, shall be in charge of the work of those chaplains in the Armed Forces of the United States who are ordained ministers of this Church. The Suffragan Bishop so elected shall be consecrated and hold office under such conditions and limitations other than those provided in this article as may be provided by Canons of the General Convention. He shall be eligible as Bishop or Bishop Coadjutor or Suffragan Bishop of a Diocese or he may be elected by the House of Bishops as a Missionary Bishop.

To resign
jurisdiction
at age
seventy-two
years

SEC. 8. Upon attaining the age of seventy-two years a Bishop shall tender his resignation from his jurisdiction.

CONVENTION OF 1789

The fourth article of the Constitution of 1789, which corresponds, in part, with the present Article II, reads as follows:

The Bishop or Bishops in every *State* shall be chosen agreeably to such rules as shall be fixed by the Convention of that *State*. And every Bishop of this Church

shall confine the exercise of his Episcopal office to his proper Diocese *or District*, unless requested to ordain or confirm, or perform any other act of the Episcopal office, *by any Church destitute of a Bishop*.

It will be understood that the words italicized in this and the succeeding articles were changed by General Convention prior to the revision of the Constitution by the Convention of 1901.

CONVENTION OF 1838

This article was amended by the Convention of 1838 by the striking out of the words "or district" and substituting "diocese" for "state."

CONVENTION OF 1874

This Convention amended the article by striking out the last seven words of the article, reading "by any Church destitute of a Bishop," and inserting in place thereof the following: "in another Diocese by the Ecclesiastical Authority thereof."

CONVENTION OF 1901

The General Convention of 1901, in its revision of the Constitution, rewrote and expanded this article. The first three sections and the sixth section of the present Article II formed the second article of 1901.

CONVENTION OF 1904

This Convention amended Section 1 of the article by the insertion of the proviso, reading as follows:

Provided, however, that when a Diocese shall be formed out of a Missionary District, the Missionary Bishop in charge of said District shall become the Bishop of said Diocese, if he shall so elect.

This amendment was deemed necessary to prevent an injustice to a missionary bishop when a diocese was organized within his jurisdiction.

CONVENTION OF 1910

This Convention amended Article II by the enactment of a new section, numbered Section 4, to read as it stands at present. Former Section 4 was renumbered as Section 5.

The new Section 4 provides for the election by a diocese of a suffragan bishop. The subject of suffragan bishops will be considered in the exposition of this article.

CONVENTION OF 1919

A new section was added by the Convention of 1919, numbered Section 5, and former Section 5 was renumbered as Section 6.

This section provides for a suffragan bishop to become the ecclesiastical authority of a diocese when so authorized by the constitution and canons of such diocese.

CONVENTION OF 1922

This Convention amended Section 3 of this article by striking out the words: "or in a vacant Missionary District by the Presiding Bishop of this Church" in the fifth, sixth, and seventh lines thereof.

This amendment was made in order that, should it be deemed advisable, provision might be made by canon for placing a vacant missionary district under the provisional charge of the president of the province in which such district is situated.

Sections 1, 2, 3, and 5 of this article have not been amended since 1922.

CONVENTION OF 1925

As already stated in the text relating to Article I, Section 2, the Joint Commission on the Office and Standing of Coadjutor and Suffragan Bishops recommended amendment of this section so as to give suffragans a vote in the House of Bishops. A resolution proposing such an amendment to the next Convention failed in the House of Deputies (supra p. 15).

CONVENTION OF 1940

Fifteen years later a concurrent resolution was adopted proposing an amendment of this section, and Section 2 of Article I passed the House of Deputies in spite of an adverse report of its Committee on Amendments to the Constitution (supra p. 16).

CONVENTION OF 1943

At this Convention Section 4 was amended to provide as it now does, and suffragan bishops received a vote as well as a seat.

SECTION 6

This section forbids a bishop to resign his jurisdiction without the consent of the House of Bishops.

CONVENTION OF 1922

In the official copy of the Constitution in the Journal of this Convention, the following words appear at the end of this section:

... or without the consent of the Bishops of the Province in which his jurisdiction has been exercised, in either case under conditions provided by the Canons of General Convention. (*This section is so printed in the original edition of this book.*)

On page 52 of the *Journal of 1922*, it appears that the House of Bishops did not concur in such an amendment and the official copy of the Constitution was corrected by concurrent resolution in 1925.

CONVENTION OF 1928

At this Convention a resolution relative to the translation of bishops, having been introduced in the House of Bishops and referred to the Committee on Amendments to the Constitution, it reported that

there is no specific Constitutional obstacle to any such proposed translation of either a Diocesan Bishop or a Bishop Coadjutor except the necessary consent of the House of Bishops to the resignation of a Bishop, but in the history of this Church no such translation has taken place.

Later the committee used these words in a second report replacing
but in the history of this Church no such translation has ever taken place,
with

but in the judgment of your Committee any departure from the long and uniform tradition and practice in this American Church in this matter would be highly inadvisable.

The following resolution was then offered on the part of the Committee:

Resolved that it is the sense of this House that a Diocesan Bishop is eligible to become a Bishop or a Bishop Coadjutor or Suffragan Bishop in any organized Diocese or Missionary District within the jurisdiction of this Church.

An amendment was then adopted which added the words
but in view of the long and uniform tradition and practice in this American Church
such a translation is highly inadvisable.

Then the original motion as amended was laid on the table.

CONVENTION OF 1931

A committee of the House of Bishops on the question of the translation of bishops, appointed in 1929, reported. It called attention to the fact that the first Constitution and Canons of 1789 contained no provision on the subject, indicating sentiment against translation although the question then had no practical importance. It recalled the Canon of 1844, omitted in the revision of 1904, which forbade a resigned bishop to accept another diocese. It stated the unfavorable report in 1916 of a special committee on a resolution making translation possible and the action already described in 1928.

The committee then said:

. . . The feeling in the ancient Church was against the removal of a Bishop from one Diocese to another. This was made clear in the well known Nicene Canon (which included priests and deacons as well) and in others. But these canons registered a sentiment rather than a rule. That sentiment applied to priests and deacons as well as Bishops. The Church felt the importance of stability. It desired to put obstacles in the way of place-hunting and to emphasize the sacredness of the relation of clergy and people. But as a rigid rule the sentiment could not be enforced, as it never had been. . . .

The Committee believes we should fall in line with the Anglican and Catholic precedent. The primary reason is that which forced the Church in the early centuries to violate in practice its theory, namely, the importance to the Church of using its clergy at the points where they can serve best. . . .

The committee, after discussing objections raised to translation, stated:

Turning now to the question of what action should be taken, if any, your Committee is satisfied that there is now no constitutional or canonical bar to the election of the bishop or bishop coadjutor to another diocese or missionary district.

In order to avoid resignation and a meeting of the House of Bishops, it proposed an amendment of the Constitution (*Jour. Con. 1931, p. 549*). The Bishop of New York in a minority report dissented.

As a result, the Convention adopted concurrent resolutions proposing the following amendments for action in 1934:

Amend Article II, Section 6 of the Constitution to read: "A Bishop may not resign his Episcopal charge without the consent either of the House of Bishops of the Church or of the House of Bishops of the Province in which his office has been exercised, in either case under conditions prescribed by the Canons of General Convention."

Amend Article II, Section 3 of the Constitution by adding the words: "A Bishop or Bishop Coadjutor shall be eligible as Bishop or Bishop Coadjutor of another Diocese or he may be elected by the House of Bishops as a Missionary Bishop."

Amend Article II, Section 6 by adding to the present Article the following: "Provided that this Article shall not apply to a Bishop resigning to accept other Episcopal election."

It will be seen that two amendments of Section 6 were proposed, in one of which resignation with consent of the bishops of the province was made possible and in the other consent to translation was made unnecessary.

CONVENTION OF 1934

The proposed amendment of Section 3 expressly authorizing translation failed in both houses. In the House of Deputies the vote was:

Clerical—Ayes 46; noes 25; divided 2.

Lay—Ayes 36; noes 25; divided 4.

The proposed amendment of Section 6, providing for consent to resignation of a bishop by the bishops of the province, was adopted by the House of Deputies and failed in the House of Bishops.

Action on the proposed amendment of Section 6 by adding the proviso was postponed indefinitely.

CONVENTION OF 1940

In this Convention the House of Bishops adopted a proposal for amendment of Article II, Sections 3 and 6, providing that bishops and bishops coadjutor should be eligible as bishops and bishops coadjutor of another diocese or might be elected as missionary bishops without consent of the House of Bishops to resignation of their existing office. The House of Deputies did not concur.

CONVENTION OF 1949

A resolution amending Section 3 was introduced in the House of Deputies and referred to the Committee on Amendments to the Constitution, which does not seem to have reported on it, to allow translation of a bishop after five years' service in the diocese.

It is perhaps arguable that the failure of General Convention to adopt a constitutional amendment expressly authorizing translation solidified tradition into law.

SECTION 7

This section, providing for a suffragan bishop for the armed forces, was proposed at the Convention of 1946 and ratified in 1949.

No suffragan has as yet been elected.

SECTION 8 (*formerly Section 7*)

CONVENTION OF 1940

At this Convention it was proposed to add a new Section 7 to Article II as follows:

Sec. 7. Upon attaining the age of seventy-two years a Bishop shall tender his resignation from his jurisdiction.

This proposal was adopted first by the House of Bishops and then concurred in by the House of Deputies.

CONVENTION OF 1943

The proposed amendment was first adopted by the House of Bishops by a constitutional majority and then in the House of Deputies where the clerical vote was 60% in the affirmative, 16% in the negative and 1 divided. The vote is stated in the Journal of 1943 at page 189 as "Clerical—Ayes 60%, noes, 60%; divided, 1. Lay—Ayes 55%; noes 11." This has been corrected in the official copy of the Journal on file.

Anticipating differences of opinion, the House of Bishops adopted the following resolution:

Whereas, The members of this House have adopted a Constitutional Amendment requiring that a Bishop upon attaining the age of seventy-two shall submit his resignation from his jurisdiction to this House; and

Whereas, A question has been raised as to whether this provision of the Constitution legally applies to Bishops already consecrated at the time of its adoption, therefore,

Be it Resolved, That it is the sense of this House that any provisions of the Constitution in regard to the retirement of Bishops should be considered binding on the present members of this House.

The Journal states this resolution was read in the House of Deputies, but whether before or after it voted is not clear (*p. 189*). While it is necessary and proper for either house in acting on proposed legislation to consider its constitutional power, it is submitted that it is not the function of either house to interpret either the Constitution or the Canons except by clarifying enactment. A resolution accompanying an enactment is no part of it.

The question was far from solved by the resolution. Led by the Bishop of New York, a party arose which presented the question whether General Convention had power even by constitutional amendment to legislate a diocesan bishop out of office because of age.

The Presiding Bishop called upon the chancellors of the several dioceses for an opinion on this subject. He received opinions which took each of three positions. Some were of the opinion that General Convention had power to enact the amendment, and some that it had not. The author of these annotations stated that in his opinion General Convention as a council of the Church had full power to terminate the jurisdiction of a bishop, but that in the absence of clear language in the amendment itself it should not be given an *ex post facto* effect.

This is the only occasion to our knowledge where the power of General Convention to adopt constitutional or canonical legislation has been questioned. Authority and reason support its plenary power regulated by unwritten limitation akin to the British Constitution, which would unquestionably restrain its exercise in matters of faith.

Such a question may well arise in the field of unity with other religious bodies, provoking far more difficulty than the determination of the age at which a bishop should retire, although the nature of the episcopate was injected into it by those opposed to Section 7.

EXPOSITION OF ARTICLE II

The provision of Section 1, that the bishops of a diocese shall be chosen according to such rules as shall be fixed by the convention of such diocese, has been the law of the Church from a very early period. It contemplates the office of a bishop as necessarily connected with some field over which he is to exercise jurisdiction. It relates, however, only to the mode of election. A diocese may enact canons by which the bishop thereof will be bound, up to a certain point, but it has no authority to enact laws that will strip him of his proper spiritual functions, or deprive him of his office at any future time.

So Dr. White wrote in 1924, and there is no conflict between his statement that a diocese may not deprive its bishop of his office at a future time and the constitutional provision we have been discussing. General Convention having acted in this field, certainly no power exists in a diocese to prescribe that its bishops retire after they reach a prescribed age or earlier.

The provision of Section 2, that "no one shall be ordained or consecrated Bishop until he shall be thirty years of age," formed a part of one of the Canons of 1789 and adheres to the rule that was almost universally observed in the primitive Church, which required that a

bishop must be thirty years of age when consecrated a bishop. This same requirement is a part of the canon law of the Church of England.

The provision of the article requiring the consent of a majority of the standing committees of all the dioceses to the consecration of a bishop, if the election of such bishop shall have taken place more than three months before the meeting of the General Convention was first enacted as a part of the second canon of the Canons of 1799, and for the purpose of providing for the consecration of bishops during the recess of the General Convention. Before the enactment of this canon, bishops could only be consecrated during the session of General Convention or after the adjournment thereof, as the former canons required the consent of the General Convention to the consecration of a bishop. It was recognized early that this requirement might work unnecessary hardship under certain circumstances, so provision was made that the consent of a majority of the standing committees of all the dioceses might take the place of the consent of the House of Deputies. The choice of standing committees to take the place of the House of Deputies was due, undoubtedly, to that principle peculiar to the American Church, and which she clearly established at the beginning, of giving to the laity the right of participating in the legislation and councils of the Church.

The origin as well as the rights and duties of standing committees will be further adverted to in our consideration of the canons on that subject.

The consent of a majority of the bishops exercising jurisdiction within the United States is also required before the consecration of a bishop can take place. The question arises as to what bishops are included in the words "Bishops exercising jurisdiction." Diocesan and domestic missionary bishops are of course included as they each exercise jurisdiction. Suffragan bishops and bishops who have resigned their jurisdictions for any cause are clearly not included therein.

A special committee of the House of Bishops, appointed to consider certain questions which were referred to that committee, reported to the House of Bishops in the Convention of 1916 on this question as follows:

But for one specific purpose, the consent to the consecration of a Bishop-elect, the right of voting is limited to the Bishops exercising jurisdiction within the United States. This by comparison with Article I, Section 2, would exclude both Coadjutors (who are distinguished from Bishops having jurisdiction) and resigned Bishops—as well as foreign Missionary Bishops.

While most if not all coadjutor bishops have jurisdiction conferred upon them by the diocesan, the question, however, is not wholly free from doubt.

A Special Committee on Enlarged Powers of Provincial Synods proposed, in the General Convention of 1919, an amendment to Article I, Section 2 of the Constitution providing for the consent of the synod of a province by a two-thirds vote of each order, to the consecration of a bishop-elect for a jurisdiction within the province, in the place of the consent of the House of Deputies; and in case the election should have taken place more than three months before the meeting of the synod, then the consent of two-thirds of the bishops exercising jurisdiction within the province, and the consent of two-thirds of the standing committees of the dioceses within the province, in place of the consent of the synod. The Committee on Amendments to the Constitution to which the proposed amendment was referred, reported unfavorably on the proposition, which report was adopted by the House. In the same Convention, the Committee on Canons of the House of Bishops to which was referred the question of calling of a special meeting of the House of Bishops a few days before the meeting of the General Convention for the purpose of electing missionary bishops, when such were to be elected, reported that an amendment to the Constitution would be necessary before such an arrangement could be lawful, and that the committee was not prepared to recommend such an amendment, "more particularly because it is hoped that the election of Missionary Bishops may be delegated to the Provincial Synods, instead of being reserved to the House of Bishops."

This report was approved by the House of Bishops.

There seems to be a growing feeling in favor of enlarging the powers of provincial synods, and one of the powers that may be conferred upon them is the requiring of consent to the consecration of a bishop-elect of only the synod of the province in which he is to exercise his office, or of the bishops and standing committees of that province, as the case may be.

The concluding sentence of the section, that "No one shall be ordained and consecrated Bishop by fewer than three Bishops," was formerly a part of a canon enacted in 1820 which provided that if "a majority of the Bishops should consent to the consecration, the Presiding Bishop, with any two Bishops, may proceed to perform the same; or any three Bishops to whom he may communicate the testi-

monials." This has been the law of the Church ever since the Council of Nicea, which enacted Canon 4, reading in part as follows:

It is most proper that a Bishop should be constituted by all the Bishops of the Province; but if this be difficult on account of some urgent necessity, or the length of the way, that at all events three should meet together at the same place, those who are absent also giving their suffrages, and their consent in writing, and then the ordination be performed.

Section 3 relates to the jurisdiction of bishops, and its provisions are similar to those contained in Article IV of the Constitution of 1789. It prohibits a bishop from intruding into another bishop's jurisdiction unless he shall have been requested to perform some episcopal act in another diocese or missionary district by the ecclesiastical authority thereof. The House of Bishops, or the Presiding Bishop, by its direction, may authorize and appoint him to act temporarily in any territory not yet organized into dioceses or missionary districts. In 1904, the House of Bishops adopted a resolution placing the Panama Canal Zone under the care and supervision of the Presiding Bishop and empowering him to appoint any bishop of the House, whom he might choose, to act as his commissary. He appointed the Bishop of Washington to act as such commissary.

Section 4, enacted by the Convention of 1910, provides for the election of suffragan bishops. The question of suffragan bishops is one that has been before the Church in many conventions.

In 1814, the Rev. Dr. Kemp was elected Suffragan Bishop of Maryland under circumstances that created much excitement and led to much discussion. Strong objections were made to the consecration of Bishop-elect Kemp. One objection was that the office of suffragan was unknown in the Constitution of the Church in Maryland. On this objection, the consecrating bishops held that although neither the office of a suffragan nor that of a coadjutor or assistant bishop was authorized by the Constitution yet they were not prohibited by it and a suffragan bishop might be chosen on the principle of the *lex non scripta* ecclesiastical, or common law of the Church, in cases of necessity, as it was a measure of frequent occurrence in the history of the Christian Church. In 1829, the Rev. Dr. Meade was elected as an assistant to the Bishop of Virginia, but with an express declaration that he was not to be considered as entitled to the succession. This declaration made Bishop Meade, in reality, a suffragan bishop. When the case came before the General Convention of 1829, strenuous objections were made to this provision. After several days of debate on the

question, it was decided by the House of Deputies that the canonical testimonial should be sent to the House of Bishops and that the Presiding Bishop should take order for the consecration of Bishop-elect Meade upon his receiving evidence from Virginia that the assistant bishop should succeed. Both houses passed strong resolutions expressing their disapprobation of the provision. At the next diocesan convention in Virginia the condition referred to was rescinded. The General Convention of 1829 also enacted a canon to prevent the recurrence of a similar case by providing that the assistant bishop should, in all cases, succeed the bishop, in case of surviving him, and that no person should be elected or consecrated a suffragan bishop. These provisions will be more particularly noticed in our consideration of the canon.

In the Convention of 1847 the House of Deputies proposed an elaborate canon on suffragan bishops, which was finally referred to a joint committee to consider and report at the next Convention. The revival of interest in suffragan bishops was due to a memorial from the Diocese of New York praying for relief from the conditions which existed in that diocese owing to the suspension of their bishop, two years previous. There seemed to be serious objection to the election of an assistant bishop to a bishop who was under suspension, and a suffragan bishop seemed to be the only solution of the difficulty. In the Convention of 1850 no mention is made in the Journal of any report of the Joint Committee on Suffragan Bishops. Instead of a suffragan bishop for New York, a canon was enacted providing for a provisional bishop.

The question of suffragan bishops then lay dormant in General Convention for several years.

It was not until twenty-four years later, in the Convention of 1871, that the subject of suffragan bishops was again brought to the attention of the General Convention. A proposed canon on suffragan bishops was introduced in the House of Deputies, referred to the Committee on Canons and on their report was indefinitely postponed. From the Convention of 1871 to the Convention of 1910, when Section 4 of Article II was enacted, the subject of suffragan bishops received the consideration of nearly every intervening convention.

In many cases the subject was brought to the attention of the Convention by memorials from one or more of the Southern dioceses, which desired suffragan bishops for work among the colored people of their dioceses. In the Convention of 1904 a Joint Commission on the Memorial of Church Workers among Colored People and a Joint Committee

on Suffragan Bishops were appointed with instructions to report to the next Convention. Each commission made a report to the Convention of 1907. Both houses of the Convention of that year adopted a resolution that the above-named commission and committee "be instructed to confer and to bring in a harmonized form of the two proposed amendments to the Constitution." This joint conference reported in favor of the adoption of the amendment to the Constitution as proposed by the Joint Commission on the Memorial of Church Workers among Colored People, and the proposed amendment was approved by both houses and finally adopted by the Convention of 1910.

It seemed to be the mind of the Church that suffragan bishops provided the best form of episcopal supervision of work among the colored people of the South, and the constitutional amendment was adopted with special reference to that work.

It is an interesting fact that until the Convention of 1904 no question had arisen as to the right of the General Convention to enact a canon providing for the election and consecration of suffragan bishops. It is another illustration of the principle on which General Conventions have many times acted, namely, omission does not mean prohibition.

The canonical provision that no suffragan bishop should be elected or consecrated was repealed in the revision of the Canons by the Convention of 1904.

The name suffragan, derived from *suffragari*, to help, was given originally to a class of bishops consecrated to take the place of a bishop who was temporarily absent from his diocese. The first mention of a suffragan bishop seems to be A.D. 1240. Lynwood, writing two hundred years later, says: "They were called Suffragans, because they were bound to give their suffrage and assistance to the Archbishop, being summoned to take part of his care, though not in the plenitude of his power." It was not until the time of Henry VIII that the term was restricted to an order of bishops differing from the ancient chorepiscopi and from the diocesan bishop. Suffragans, in England, are now chosen by the queen from two names sent in by the bishop desiring a suffragan. Their office is usually to confirm, ordain, dedicate churches and to execute those things which pertain to the episcopal office, but not as to jurisdiction. On the death of the diocesan the commission given to the suffragan is void, and it is renewed or not according to the pleasure of his successor.

The American Church has acted more wisely, in our opinion, than

the Church of England by providing that the tenure of office of a suffragan bishop shall not be terminated on the death or removal of the bishop of the diocese.

The special committee of the House of Bishops, appointed in the Convention of 1874 to report to the Convention of 1877, gives some cogent reasons in their report for the election of suffragan bishops.

In our circumstances it ought not to be forgotten, that in having Suffragan Bishops we shall have a class of men who can assist us very much in the election of Diocesan Bishops. We shall have in them men of experience, men who have been tried, and whose qualifications are therefore known.

At present a Diocese, in electing a Bishop, has to make a very serious venture. If we have Suffragan Bishops, we can judge by the manner in which they discharge their duties in that capacity, how far they are fitted for a wider sphere and a weightier responsibility. . . .

If Bishops be needed for congregations of persons speaking different languages from the English, or belonging to races distinct from the European, then those Bishops should be Suffragans. Otherwise we should have diversity of government in the same Diocese; diversity of interests, intensifying in many cases, no doubt, to antagonism; with no common head to appeal to, and with no common, legislative body to lay down rules and remove grievances. To have independent Bishops in one Diocese is against the stream of Catholic teaching and practice, and would tend to generate divisions instead of unity, and to produce contention and strife in the place of the peace and the harmony which are now our glory and our happiness. With Suffragan Bishops these evils would be avoided, for every Diocese would have its own Diocesan, with an Assistant Bishop if need be, with Suffragans if necessary, and with its own Convention in which men of every race and every language would be represented. (*Jour. Con. 1877, p. 524*)

Section 5 provides that a suffragan bishop may become the ecclesiastical authority of a vacant diocese when so authorized by the constitution and canons of the diocese. This section was enacted by the General Convention of 1919, and is entirely new in its provisions.

The reasons for the enactment of this section are well set forth in the report of the Special Committee on Suffragan Bishops made to the House of Bishops in the Convention of 1916. The report is, in part, as follows:

The amendments are desirable because they tend toward giving greater dignity and a more efficient exercise of power to the office of Suffragan Bishop. It is not compatible with the dignity of the episcopate that, when the Diocesan Bishop is absent or temporarily disabled, a Suffragan Bishop should be made subordinate to a Standing Committee. . . . Whatever may be the opinion of any member of this House on the expediency of having Suffragan Bishops in the Church, it ought to

be generally agreed that if we do have Suffragan Bishops, they are Bishops and their office should be invested with such powers as will give it both dignity and efficiency. (*Jour. Con. 1916, p. 56*)

Section 6 provides that a bishop cannot resign his jurisdiction without the consent of the House of Bishops. The first regulation on this subject was Canon 32 of 1832. The first resignation of a bishop in the American Church was that of Bishop Provost of New York, in 1801. At a special convention of the diocese he addressed the members and resigned his episcopal jurisdiction of the diocese. This resignation was practically accepted by the convention, which then proceeded to elect his successor.

When the General Convention met in September of that year, Bishop Provost addressed a letter to Bishop White, as President of the House of Bishops, stating that owing to certain domestic reasons "and an ardent desire to retire from all public employment, he had resigned his jurisdiction as Bishop of the Protestant Episcopal Church in the State of New York." The House of Bishops in considering the matter, resolved, that "they could see no grounds on which to believe that the contemplated resignation was consistent with ecclesiastical order, or with the practice of Episcopal Churches in any age, or with the tenor of the office of consecration." Although the House of Bishops refused to recognize the bishop's act as an effectual resignation of his jurisdiction, they consented to consecrate the Rev. Dr. Moore, whom the Convention of New York had elected to succeed Bishop Provost, as an assistant bishop. By this action the House of Bishops clearly evidenced that in the mind of the House, Bishop Provost's resignation to his Diocesan Convention was not a complete renunciation of jurisdiction, but that the consent of the House of Bishops was essential to give it validity. Subsequent events showed that the Diocese of New York did not agree with the House of Bishops in its view of the matter. In 1812, Bishop Provost addressed the Convention of New York by letter, in which he claimed, under the decision of the House of Bishops, that he was still the Bishop of New York. The diocesan convention strenuously disputed this claim and adopted a preamble to certain resolutions, setting forth:

1st. That by the Constitution of the Church, the right of electing a Bishop in New York belonged to the Convention of New York alone.

2nd. That the Bishop of New York might resign his jurisdiction, though his spiritual character, or order, was indelible.

3rd. That Bishop Provost, as Diocesan, did resign his jurisdiction to the Con-

vention of New York, and the Convention did accept it, and elect a Diocesan to succeed him.

4th. That the person so elected was canonically consecrated into the office of Bishop of the Church in New York, and had ever since performed the duties of Diocesan.

The Convention then resolved that,

from and immediately after the acceptance of Bishop Provost's resignation, by the Convention of New York, he ceased to be its Diocesan; and that having so ceased, he could neither resume nor be restored to that character, by any act of his own, or of the General Convention, or either of its houses, without the consent and participation of the Convention of New York.

So far as the Journals of General Convention show, the action of the New York Convention received no consideration in the House of Bishops, although it was in direct opposition to the opinion expressed by that House. The decision of the New York Convention seems to have been acquiesced in, and Bishop Provost never acted as diocesan. Singularly enough, the resignation of Bishop Provost and the action of the New York Convention led to no legislation by the General Convention on the subject of episcopal resignations.

In 1831 a case occurred which led to a great deal of discussion in the General Convention and which finally resulted in a most stringent canon on the subject of episcopal resignations.

In September of that year, Bishop Chase of Ohio, who was also president of Kenyon College in that state, because of certain circumstances connected with the college, resigned to his convention the charge of the diocese as well as the presidency of the college, and moved from the state. The case, occurring one year before the meeting of the General Convention of 1832, was brought before that body and led to a discussion that lasted through most of the Convention, which was loath to accept the resignation of Bishop Chase as a completed action, but realizing the needs of the Diocese of Ohio, and that it was impossible to induce the bishop to recede from the ground he had taken, finally resolved to accept the resignation, and to consecrate Bishop-elect McIlvaine who had been elected bishop by the Convention of Ohio. Both houses adopted resolutions strongly condemning the action of Bishop Chase. The House of Bishops, in passing a resolution providing for the consecration of Bishop-elect McIlvaine, ordered the following protestation to be annexed to the resolution:

The House of Bishops beg leave to inform the House of Clerical and Lay Deputies,

that in adopting the foregoing resolution, they feel impelled to add their solemn protestation against its being drawn into a precedent on any future occasion.

The Bishops are deeply impressed with a consideration of the evils which may result to the Church, from capricious and unregulated resignations of Episcopal jurisdiction. They are of the opinion that the acts of the Right Rev. Bishop Chase, by which he has relinquished the Episcopate of the Diocese of Ohio, and removed to a territory beyond the organized jurisdiction of this Church, are not warranted by any regulation of the Protestant Episcopal Church in the United States, nor by any general usage of the Church. . . .

The House of Bishops hope that the House of Clerical and Lay Deputies will concur with them in this protestation, and in the passage of a Canon prohibiting Episcopal resignations, except on great and urgent occasions, and regulating the manner in which they shall be made, and also designating the ecclesiastical body to whose approval they shall be subjected. (*Jour. Con.* 1832, p. 444)

Dr. Hawks, in his *Constitution and Canons* (p. 298), says: "No doubtful point that has arisen in our Church since its organization, has been more thoroughly sifted than was this. It was examined on grounds of principle, and precedent, and policy; the result was that the proceedings in Ohio were sustained, the resignation of the one Bishop, and the election of the other, were held to be valid; and the lower House signed the testimonials of Dr. McIlvaine, for consecration."

Before the consecration of Bishop-elect McIlvaine, however, the House of Bishops passed a canon which was concurred in by the House of Deputies, Canon 32 of 1832, to which was attached the following preamble:

Whereas the resignation of the Episcopal jurisdiction of a Diocese is to be discountenanced, but circumstances may sometimes create an exigency which would render an adherence to this principle inexpedient; it is hereby declared, that the Episcopal resignation of a Diocese may take place under the following restrictions:

Then follows a canon of eight sections, the object of which, apparently, was to make the resignation of a bishop exceedingly difficult to accomplish. Dr. Hawks tells us that it was currently reported and believed that a majority of the bishops were opposed to the consecration of the four bishops-elect unless the canon was passed.

In 1844 the General Convention repealed the Canon of 1832 and enacted another canon on the same subject in its place. The former canon provided that a bishop desiring to resign should present his resignation, with reasons therefor, first, to his diocesan convention, and if accepted by a two-thirds vote of each order, then the subject was to be referred to the next General Convention. The Canon of 1844 provided that the resignation should be first sent to the House of

Bishops, or if the resignation was desired more than six months before a meeting of the General Convention, then to be sent to the Presiding Bishop. Provision was made for a thorough investigation of the whole case.

The Convention of 1850 repealed the Canon of 1844 and enacted a new canon to take its place. The only material difference in the Canon of 1850 from that of 1844 was the addition of a new section providing for the resignation of a suspended bishop.

In the revision of the canons by the Convention of 1859, the Canon on "Resignation of Bishops" was incorporated as a part of Title I, Canon 13, "Of Bishops."

In 1883 this section of the canon (Sec. 16) was amended so as to provide that bishops resigning on account of age and bodily infirmity should retain all their rights and precedences.

This section of the canon remained without further amendment until the Convention of 1901, when the Constitution was revised, and the subject of episcopal resignations was incorporated into the Constitution as Article II, Section 4 (now Sec. 6). The canon was also amended so as to make it clear that in all cases of a resignation by a bishop of his jurisdiction, the House of Bishops, if it is to act in the matter, is to meet as such House.

Further examination of the canon referred to will be had when we come to the particular consideration of the canon itself.

ARTICLE III

Bishops
consecrated
for foreign
lands

Bishops may be consecrated for foreign lands upon due application therefrom, with the approbation of a majority of the Bishops of this Church entitled to vote in the House of Bishops, certified to the Presiding Bishop; under such conditions as may be prescribed by Canons of the General Convention. Bishops so consecrated shall not be eligible to the office of Diocesan or of Bishop Coadjutor of any Diocese in the United States or be entitled to vote in the House of Bishops, nor shall they perform any act of the episcopal office in any Diocese or Missionary District of this Church, unless requested so to do by the Ecclesiastical Authority thereof. If a Bishop so consecrated shall be subsequently duly elected as a Missionary Bishop of this Church he shall then enjoy all the rights and privileges given in the Canons to Missionary Bishops.

CONVENTION OF 1844

The Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States of America was established by General Convention in 1821, and a Constitution framed for its organization, and the direction of its work.

In the Convention of 1835, which was known as a Missionary Convention, the constitution of the society was amended to provide for a Board of Missions in order to increase its efficiency.

This Board of Missions made a report to the General Convention of 1841 in which it incorporated the following resolution:

"Resolved," (as the sense of this Board), that for the administration of the Missionary work in countries beyond the United States, it is expedient that there should be consecrated to the Episcopate, one who shall act as a Missionary Bishop in foreign lands, pursuant to the provisions of the 4th Section of the 2nd Canon of 1838. (*Jour. Con., 1841, p. 156*)

This section of Canon 2 of the Canons of 1838 provided that the House of Bishops, with the consent of the House of Deputies, might take order for "the consecration of a suitable person to be a Bishop

of this Church, to exercise Episcopal functions in any place or places out of the territory of the United States, which the House of Bishops may designate.”

The report of the Board of Missions, with the appended resolution, as above set forth, occupied the attention of both houses of the Convention during the greater part of the session. The House of Bishops adopted a canon on “The Consecration of Bishops for Churches in Foreign Countries,” but the House of Deputies refused to concur therein. The House of Bishops also sent down the nomination of a presbyter to be the missionary bishop for “the Maryland Colony in Liberia and other parts of Western Africa,” which nomination the House of Deputies refused to confirm on the ground that “it was not expedient to elect a Bishop to perform Episcopal functions in any place out of the territory of the United States, until the authority, rights, duties, and responsibility of such Bishop, *and of those ordained by him*, shall have been declared and established, and a mode provided, by Canon or otherwise, of rendering them amenable to the laws of this Church.”

A joint committee was then appointed on “the subject of a Bishop to perform Episcopal duties in any place out of the United States.” This committee reported “That owing to the late period of the session, it is impossible now to act upon the subject.”

The House of Bishops then approved the following amendment to the Constitution, which was concurred in by the House of Deputies, and finally enacted by the Convention of 1844.

ARTICLE X. Bishops for foreign countries on due application therefrom, may be consecrated, with the approbation of the Bishops of this Church, or a majority of them, signified to the Presiding Bishop; he, thereupon, taking order for the same, and they being satisfied that the person designated for the office has been duly chosen and is properly qualified. The Order of Consecration to be conformed as nearly as may be, in the judgment of the Bishops, to the one used in this Church. Such Bishops, so consecrated, shall not be eligible to the office of Diocesan, or Assistant Bishop, in any Diocese in the United States, nor be entitled to a seat in the House of Bishops, nor exercise any Episcopal function in said States.

This article is unique in the fact that it is the first reference in the Constitution to missionary bishops and the only constitutional enactment of General Convention on that subject, until the revision of the Constitution in 1901.

It is also a singular fact that while this article was enacted to meet what was deemed an urgent need at that time, no bishop was conse-

crated under its provisions until 1874, thirty years later. Between the enactment of this article and 1874, several missionary bishops were elected and consecrated for countries outside of the United States, but in each case a foreign missionary district was first created, and the bishop consecrated for such district was under the direction of the Board of Missions.

CONVENTION OF 1895

This article was amended by the Convention of 1895, by substituting the words "Bishop Coadjutor" for "Assistant Bishop."

CONVENTION OF 1901

In the revision of the Constitution by this Convention, the article was amended to read as at present constituted and renumbered as Article III.

The principal changes made therein by the revision were as follows: Instead of setting forth in detail the conditions under which such bishops might be consecrated, the new article simply provided that they should be consecrated "under such conditions as may be prescribed by Canons of the General Convention."

The former article prohibited such bishops from performing any episcopal function in the United States; the present article provides that they shall not perform any such function "unless requested so to do by the Ecclesiastical Authority" of a diocese or missionary district.

CONVENTION OF 1922

This Convention amended Article III by adding thereto the following words:

If a Bishop so consecrated shall be subsequently duly elected as a Missionary Bishop of this Church, he shall then enjoy all the rights and privileges given in the Canons to Missionary Bishops.

A special committee of the House of Bishops, appointed in 1913, had submitted to the house at the General Convention of 1916 a report on various questions regarding the resignation of bishops, the transfer of bishops, and the election of missionary bishops. Certain clarifying amendments to the canons were recommended in line with this report, which were adopted by the Convention. With similar purpose the committee recommended the foregoing amendment to Article III of the Constitution. Through some oversight, this proposal was not put

to vote in 1916. At the Convention of 1919 the proposal was renewed. It was proposed by both houses and adopted by the Convention of 1922. This legislation was not the enactment of a new law but simply the embodiment in the Constitution of an existing law or procedure, already recognized and previously acted upon.

The occasion was the election of the Rt. Rev. Lucien Lee Kinsolving as Missionary Bishop of Southern Brazil in 1907. The church in Southern Brazil was established in 1899 as an independent branch of the Anglican communion and Bishop Kinsolving was consecrated for that church under the provisions of Article III of the Constitution. In 1907 this independent organization was received by General Convention as the Missionary District of Southern Brazil and Bishop Kinsolving was duly elected as the missionary bishop thereof with all the rights and privileges of a missionary bishop of this Church.

The only other case is that of the Rt. Rev. Manuel Ferrando who, having previously received Episcopal orders from this Church for the "Church of Jesus" in Puerto Rico, was elected Suffragan Bishop of Puerto Rico in 1923, and that religious group was absorbed into the Missionary District of Puerto Rico.

CONVENTION OF 1925

The Joint Commission on American Churches in Europe reported fully on the situation in Geneva, Dresden, Munich, Rome, Florence, and Paris. It was also recommended by the National Council that a permanent bishop be elected to have charge of these churches, but no action was taken.

CONVENTION OF 1928

Action on the election of a permanent bishop was again postponed by concurrent resolution as the result of a report by Bishops Brent and Lawrence, who had been in charge during the triennium, that the testing called for had as yet not been fully made.

CONVENTION OF 1931

The House of Deputies adopted the following report of its Committee on Canons:

Your Committee, to which was referred a resolution submitted by the Rev. Dr. Beekman of Paris, France, asking that the American Churches in Europe be

classified with the Domestic rather than with the Foreign Field, reports that it has considered the same and offers the following resolution:

Resolved, That this request be referred to the Presiding Bishop and National Council for consideration and report.

The joint commission on the subject was discharged at this Convention by concurrent resolution.

CONVENTION OF 1946

At this Convention the Suffragan Bishop of Long Island, as Acting Bishop in Charge, reported on the seven churches in Europe. An appropriation of \$7500 for salary and maintenance of "a full time Bishop" in charge of the European churches was made.

CONVENTION OF 1949

The report of Bishop Larned to this Convention emphasizes his opportunity to cooperate with the World Council of Churches. The report closes:

. . . I, for one, believe that 1948 registered the greatest hour for re-united Protestantism since the Reformation. Our churches on the Continent have, for many years, made far greater contributions toward this unity goal than we at home have been aware of. Through these churches, through all inter-church organizations in which we are permitted to share, may God give us the grace and wisdom to prove ever more worthy of our opportunities and responsibilities.

EXPOSITION OF ARTICLE III

Foreign missionary bishops have a seat and vote in the House of Bishops and are under the direction of the Presiding Bishop and the National Council, and their salaries are paid by that body. Bishops consecrated under the provisions of this article had no seat nor vote in the House of Bishops, nor were they under the direction of the Board of Missions, the predecessor of the Presiding Bishop and the National Council, nor were their salaries paid by said Board.

The consecration of bishops for foreign lands is regulated by Canon 41.

ARTICLE IV

In every Diocese a Standing Committee shall be appointed by the Convention thereof. When there is a Bishop in charge of the Diocese, the Standing Committee shall be his Council of Advice. If there be no Bishop or Bishop Coadjutor or Suffragan Bishop canonically authorized to act, the Standing Committee shall be the Ecclesiastical Authority of the Diocese for all purposes declared by the General Convention. The rights and duties of the Standing Committee, except as provided in the Constitution and Canons of the General Convention, may be prescribed by the Canons of the respective Dioceses.

Standing
Committee

CONVENTION OF 1789

The first mention of a standing committee in the legislation of General Convention is an incidental one, and occurs in the sixth Canon of 1789, in reference to the subject of testimonials to be produced by candidates for Holy Orders. This canon, omitting the form of testimonial, was as follows:

Every candidate for Holy Orders shall be recommended to the Bishop by a Standing Committee of the Convention of the State wherein he resides; which recommendation shall be signed by the names of a majority of the Committee, and shall be in the following words. . . .

Some of the dioceses had already appointed standing committees for different purposes, while others had not; consequently, it was necessary for the Convention to enact in the same canon, that,

In every State in which there is no Standing Committee, such committee shall be appointed at its next ensuing Convention.

It would seem that the necessity which was felt of having candidates for Orders subjected to some ordeal before they were ordained was the cause of the introduction of standing committees into the legislation of General Convention. They were thus first established for the sole purpose of passing on the qualifications of candidates for Orders, and recommending them to the bishop for ordination. There is not the slightest hint in the Canons of 1789 that they were to

exercise any other functions. No other duty is prescribed for them, no other point concerning them is made the subject of legislation. The idea of making standing committees councils of advice to the bishops was entirely an afterthought and did not become the subject of canonical legislation until nearly twenty years later, when the Convention of 1808 enacted a canon, in which it was declared that "the Standing Committee shall be a council of advice to the Bishop."

CONVENTION OF 1808

This Convention enacted the first canons prescribing the duties of standing committees, the fourth, and the twenty-fourth canons of that year, as follows:

Canon 4. In every State or diocese, there shall be a Standing Committee, to be appointed by the Convention thereof.

Canon 24. In every diocese or State where there is a bishop, the Standing Committee shall be a council of advice to the bishop. The president of the Standing Committee shall be the person to summon them. They shall be summoned on the requisition of the bishop, whenever he shall wish for their advice. And they may meet of their own accord, and agreeably to their own rules, whenever they may be disposed to advise the bishop.

CONVENTION OF 1832

In the revision of the Canons in 1832, Canon 4 of 1808 was made Section 1 of Canon 4 and amended to read as follows:

Sec. 1. In every Diocese there shall be a Standing Committee, to be appointed by the Convention thereof, whose duties, except so far as provided for by the Canons of the General Convention, may be prescribed by the Canons of the respective Dioceses. They shall elect from their own body a President and a Secretary. They may meet on their own adjournment, from time to time; and the President shall have power to summon special meetings whenever he shall deem it necessary.

Canon 24 of the Canons of 1808 was made Section 2 of the canon and amended by striking out the words "The President of the Standing Committee shall be the person to summon them," as this provision was contained in Section 1.

Sec. 3. Where there is no Bishop, the Standing Committee is the ecclesiastical authority for all purposes declared in these Canons.

The standing committee is thus made, for the first time, the ecclesiastical authority in a vacant diocese.

CONVENTION OF 1901

In the revision of the Constitution by this Convention, certain provisions of the Canon of 1832 were incorporated into the Constitution, and enacted as Article IV, and reading as it stands at present, except for a slight amendment made by the Convention of 1919.

CONVENTION OF 1919

This Convention amended the article by the insertion of the words "or Bishop Coadjutor or Suffragan Bishop canonically authorized to act," after the words "if there be no Bishop," in the fifth line thereof.

The purpose of this amendment was to bring it into harmony with Article II, Section 5, enacted by the same Convention. The object of these amendments, as stated by the Committee on Amendments to the Constitution, in the House of Deputies, was "to give permission to any Diocese which have Suffragan Bishops and which desire to provide that Suffragan Bishops may become the Ecclesiastical Authority temporarily, to take action accordingly."

It will be noted that the provision for suffragan bishops to become the ecclesiastical authority of a diocese is only permissive, not mandatory. This was to meet the objection that might be raised by dioceses having suffragans for a special race, and who might not desire to have such bishops become the ecclesiastical authority for the whole diocese.

As stated in the consideration of Article II, Section 5, provision was made permitting suffragan bishops to be made the ecclesiastical authority of a diocese because thereby the office of suffragan bishop would be given greater dignity and a more efficient exercise of power. As was well stated by the Committee on Amendments to the Constitution, in the House of Bishops, "it should be made possible at least for the Diocesan, in his discretion, to provide that the Suffragan should act as the Ecclesiastical Authority during his absence. It should be made possible at least for any Diocese which has a Suffragan to provide that such Suffragan, in the absence or temporary disability of the Bishop, may become the Ecclesiastical Authority. Whatever may be the opinion of any member of this House on the expediency of having Suffragan Bishops, they are Bishops and their office should be invested with such powers as will give it both dignity and efficiency."

EXPOSITION OF ARTICLE IV

The authorities differ as to the origin of standing committees. Judge Hoffman, in his *Law of the Church* (p. 209), gives quite an exhaustive review of the question and traces it back to the early days of the Church. He shows how, in the first ages of the Church, the presbyters constituted one body, and formed, together with the bishop, a senate, which Ignatius calls the *Sacred Consistory*, the counsellors and assessors of the bishop.

As the number of clergy increased, the bishops began to choose from the clergy certain ones to assist them in governing the diocese, and they were called the Cathedral Canons, and their assembly the Cathedral Chapter. The power of this chapter, in the beginning, was entirely subordinate to the bishop. Whatever power given to them was a voluntary restriction upon the bishop's power. The General Councils also imposed some restrictions on the power of bishops, particularly in requiring the concurrence of the chapter in the trial and decision of causes.

In a controversy which occurred in Massachusetts in 1832, Bishop Hopkins of Vermont gave his views on the subject, in part as follows:

In ancient times, the whole body of Presbyters in a Diocese formed the Bishop's council of advice. But Dioceses were easily convened in those days, consisting chiefly of one large town and a small district of surrounding country. When, however, in adopting Episcopacy into the United States, the sparseness of population and the great extent of territory made it necessary to give a wide boundary to Dioceses, and it was therefore thought best to fix the limits of each State as the most convenient limits for each Diocese, the impossibility of convening all the clergy for consultation with their Bishop, dictated the propriety of appointing each year a committee, who, residing convenient to him, could assemble, whenever it might be expedient to give to him the benefit of their advice and counsel. And as it was judged best to admit a large representation of the laity into the legislative conventions of the Church, consistency required that the knowledge and experience of the laity should be represented also in this Standing Committee. . . . Such, as the writer conceives, was the origin of Standing Committees.

Dr. Hawks, in his *Constitution and Canons* (p. 102), takes decided issue with these views of Bishop Hopkins. He says: "To the adoption of this very ingenious explanation there are facts which present formidable, not to say insurmountable obstacles. . . . The very fact adverted to, of the introduction of the laity would seem to be inconsistent with a theory that makes Standing Committees take the place of counselling *Presbyters*." He then refers to the Canons themselves as being conclusive on the subject; also the purpose for which

standing committees were first created, and that the making of standing committees councils of advice was entirely an afterthought. "So far, therefore," he continues, "as Standing Committees are supposed to have had their origin in a desire to furnish the Bishop with a select council of advice from among his Presbyters, our author seems to have fallen into a mistake."

The facts of the case would seem to bear out the conclusion of Dr. Hawks that standing committees in the American Church were not created on any previous model of councils of advice but were an entirely new creation, and, at first, for one specific purpose, and that not as any council of advice to the bishop.

In the construction of the article the question arises, whether the bishop, of right, is entitled to be present at the meetings of the committee. If the committee is summoned on requisition of the bishop, there would seem to be no doubt of his right to be present at the meeting of the committee. When, however, they meet of their own accord, and according to their own rules, or when summoned by their president, it would seem as if he was not entitled, of right, to be present. In many dioceses the bishop usually meets with the committee. The canons, however, would not seem to contemplate his constant attendance, as provision is expressly made for the election of a presiding officer from the members of the committee. When standing committees were first constituted as councils of advice to bishops, the only cases in which the Canons of the General Convention required the bishop to act with the consent of the standing committee were those where candidates for orders desired dispensation from certain studies, or that the canonical period before ordination be shortened, which dispensations the bishop could only grant with the consent of the clerical members of the standing committee. Since the enactment of this canon in 1832, the restrictions upon the power of a bishop to act in the temporal affairs of his diocese without the consent of his standing committee have been so increased that today such consent is required in most of the important temporal affairs of the diocese, with the result that standing committees have become very important factors in the executive branch of diocesan government.

In 1832 the General Convention constituted the standing committee of a diocese the ecclesiastical authority thereof under certain conditions. This is the most important power conferred upon the committee.

In 1841 a committee of both houses of General Convention made a report upon the subject which had been referred to them for defini-

tion. The conclusion of the committee was that where the canons provided that in case there is no bishop, the standing committee is the ecclesiastical authority for all purposes declared in the canons, it is implied that the bishop, where there is one, is the ecclesiastical authority, and where there is no bishop, the whole standing committee is the ecclesiastical authority. The reasoning of the committee is undoubtedly correct, as applied to our canons today. When there is a bishop in a diocese, he is the ecclesiastical authority. When there is no bishop, the standing committee is such authority for canonical purposes, unless there is a bishop coadjutor or a suffragan bishop canonically authorized to act as such authority. In the case of the disability of a bishop, the canons provide how the standing committee may become the ecclesiastical authority during such disability.

In 1845 an unfortunate situation was created in the Diocese of New York by the suspension of Bishop Onderdonk for an indefinite period. The question arose as to whether there was such a vacancy in the Bishopric of New York as to warrant the standing committee becoming the ecclesiastical authority of the diocese. It was contended on the one hand, that the bishop being only under suspension there was no vacancy in the episcopate and, therefore, the standing committee could not become the ecclesiastical authority. On the other hand it was contended that, while the jurisdiction of Bishop Onderdonk was voided by indefinite suspension, there was such an entire inhibition upon the exercise of his powers as let in the authority of the standing committee from the necessity of the case, and upon the doctrine of a constructive vacancy, for the purposes of government, but not for any other. The latter view was taken by the Standing Committee of New York, and in this they were supported by the diocesan convention, which amended the diocesan canon by adding after the words "vacancy in the Episcopate" the words "or the inability or disability of the Bishop," and adopted a resolution in order "to strengthen the Committee and make it more clearly their duty to act in the manner proposed in the existing emergency." The resolution was as follows: that "until effectual and permanent provision be made for the supply of Episcopal services, the standing committee shall continue, in its own name and authority, to invite the performance of such Episcopal acts for or within the Diocese, as may be necessary, by Bishops of the Church." Bishop Brownell of Connecticut gave as his opinion "that he considers the Episcopal powers of the Bishop of New York as fully suspended, and in a state of abeyance; and that in respect to their exercise, there is a *virtual* vacancy of the Episcopate. Under these cir-

cumstances, I am of the opinion, after mature deliberation, that the Standing Committee may rightfully execute all the powers which would devolve upon them during an *actual* vacancy in the Episcopate; and that they will be justified in so doing, as well by the general spirit of our Church organization, as by the urgent necessity of the case." A high authority of the Church on this subject in earlier days takes the same view. Bishop Stillingfleet, in his letter on the right of jurisdiction, during the suspension of the Archbishop of Canterbury in 1689, discusses the question whether the authority had devolved upon the dean and chapter. After showing that in case of a legal vacancy the right belonged to them, he says: "The canonists make the case to be the same in an interpretative as in a real vacancy."

The question of affording relief to the Diocese of New York in its unfortunate position occupied the attention of both houses in the Convention of 1847, but no agreement could be reached as to what form that relief should take. The Convention of 1850, however, enacted a canon "Of the Election of a Provisional Bishop in the case of a Diocese whose Bishop is suspended without a precise limitation of time," and Bishop Wainwright was elected and consecrated Provisional Bishop of New York.

The Convention of 1847, however, did enact two canons bearing on the case of New York. One, on the penalty of suspensions, providing that "a sentence of suspension shall specify on what terms or at what time such penalty shall cease." The other, that any bishop, on the invitation of the convention or the standing committee of a diocese whose bishop is for the time under a disability to perform episcopal offices by reason of a judicial sentence, may visit and perform episcopal offices in that diocese.

We have discussed this question at some length because of the possibility of the action of New York forming a precedent for some diocese in the future. While our present canons provide against an indefinite suspension and that any bishop of this Church may, on the invitation of the convention or of the standing committee of a diocese where the bishop is for the time under a disability to perform episcopal offices by reason of a judicial sentence, visit and perform episcopal offices in that diocese, no provision is made for the standing committee to become the ecclesiastical authority during a whole or part of the time while the bishop is under suspension. They do, indeed, provide for the standing committee becoming such authority in the case of the physical disability of the bishop; they also provide that where the

bishop is for the time under a disability by reason of a judicial sentence, the convention of the diocese may place such diocese under the provisional charge and authority of the bishop of another diocese, but no provision is made for any ecclesiastical authority in the diocese between the time of the suspension of its bishop and the meeting of the diocesan convention. It might be well, in order to remove any doubt in the matter, to amend the Canon on Standing Committees to provide that in case of the disability of a bishop of a diocese by reason of a judicial sentence, the standing committee of such diocese shall become the ecclesiastical authority thereof until such time as the convention of the diocese may place it under the provisional charge and authority of another bishop.

The last clause of the article provides that the rights and duties of standing committees may be prescribed by the canons of the respective dioceses, except as provided by the Constitution and Canons of the General Convention. This provision gives to a diocese the right to provide by canon for the exercise by the standing committee of rights and duties additional to those provided by General Convention.

The cases in detail, in which the powers of a standing committee may be exercised, both in conjunction with a bishop, and where there is none, will be considered in our discussion of the several canons wherein those powers are set forth.

ARTICLE V

SECTION 1. A new Diocese may be formed, with the consent of the General Convention and under such conditions as the General Convention shall prescribe by general Canon or Canons, (1) by the erection into a Diocese of the whole or of any part of one or more Missionary Districts; (2) by the division of an existing Diocese; (3) by the junction of two or more Dioceses or of parts of two or more Dioceses; or (4) by the junction of the whole or part of a Missionary District with a Diocese, or with any part of one or more Dioceses. The proceedings shall originate in a Convocation of the Clergy and Laity of the Missionary District called by the Bishop for that purpose; or, with the approval of the Bishop, in the Convention of the Diocese to be divided; or (when it is proposed to form a new Diocese by the junction of two or more Dioceses or of parts of two or more Dioceses), by mutual agreement of the Conventions of the Dioceses concerned, with the approval of the Bishop of each Diocese. In case the Episcopate of a Diocese be vacant, no proceedings toward its division shall be taken until the vacancy is filled. During a vacancy in a Missionary District, the consent of the Presiding Bishop must be had before proceedings to erect it into a Diocese are taken. When it shall appear to the satisfaction of the General Convention, by a certified copy of the proceedings and other documents and papers laid before it, that all the conditions for the formation of the new Diocese have been complied with and that it has acceded to the Constitution and Canons of this Church, such new Diocese shall thereupon be admitted to union with the General Convention.

Admission of
new Dioceses

SEC. 2. In case one Diocese shall be divided into two or more Dioceses, the Bishop of the Diocese divided may elect the one to which he will be attached, and he shall thereupon become the Bishop thereof; and the Bishop Coadjutor, if there be one, may elect the one to which he

Rights of
the Diocesan
and the
Bishop
Coadjutor

shall be attached, and (if it be not the one elected by the Bishop) he shall be the Bishop thereof.

SEC. 3. In case a Diocese shall be formed out of parts of two or more Dioceses, each of the Bishops and Bishops Coadjutor of the several Dioceses out of which the new Diocese has been formed shall be entitled, in order of seniority of consecration, to the choice between his own Diocese and the new Diocese so formed. In case the new Diocese shall not be so chosen, it shall have the right to choose its own Bishop.

Constitution
and Canons
of new
Dioceses

SEC. 4. Whenever a new Diocese is formed and erected out of an existing Diocese, it shall be subject to the Constitution and Canons of the Diocese out of which it was formed, except as local circumstances may prevent, until the same be altered in accordance with such Constitution and Canons by the Convention of the new Diocese. Whenever a Diocese is formed out of two or more existing Dioceses, it shall be subject to the Constitution and Canons of that one of the said existing Dioceses to which the greater number of clergymen shall have belonged prior to the erection of such new Diocese, except as local circumstances may prevent, until the same be altered in accordance with such Constitution and Canons by the Convention of the new Diocese.

SEC. 5. A Diocese formed out of a Missionary District shall be subject to the Constitution and Canons to which such Missionary District was subject, until the same be altered in accordance with such Constitution and Canons by the Convention of the new Diocese.

Limit of
Presbyters
and Parishes

SEC. 6. No new Diocese shall be formed which shall contain fewer than six Parishes, or fewer than six Presbyters who have been for at least one year canonically resident within the bounds of such new Diocese, regularly settled in a Parish or Congregation and qualified to vote for a Bishop. Nor shall such new Diocese be formed if thereby any existing Diocese shall be so reduced as to contain fewer than twelve Parishes and twelve Presbyters who have

been residing therein and settled and qualified as above provided.

SEC. 7. The consent of the General Convention to the erection of a new Diocese shall not be given until it has satisfactory assurance of a suitable provision for the support of the Episcopate.

Assurance of
support
of the
Episcopate

CONVENTION OF 1789

As originally enacted by the Convention of 1789, the article was in the following form:

A Protestant Episcopal Church in any of the United States, not now represented, may at any time hereafter, be admitted, on acceding to this Constitution.

CONVENTION OF 1838

A Joint Committee on the Division of Dioceses was appointed by the Convention of 1835, which reported as follows:

Having regard to the immense territorial extent of some of our States, and to the great increase with which it has pleased God to bless our Church, it appears to the Committee that the time must arrive when it will be impossible for an individual to exercise over them episcopal authority and supervision in the manner and degree required by the welfare of his flock, and the spirit of our ecclesiastical institutions; and when it will on that account be necessary to divide the larger dioceses. That this may be done with safety and advantage to the Church, the Committee think that an alteration of the Constitution is highly expedient, and therefore respectfully recommend the resolution and alterations hereto annexed. (*Perry Reprint of Jour. Con. 1838, p. 657*)

The new article, as recommended by the committee, with slight amendments, was approved by both houses of Convention, and finally enacted by the Convention of 1838. The article read as follows:

ARTICLE V. A Protestant Episcopal Church, in any of the United States, or any territory thereof, not now represented, may at any time hereafter be admitted, on acceding to this Constitution. A new diocese, to be formed from one or more existing dioceses, may be admitted under the following restrictions:

No new diocese shall be formed or erected within the limits of any other diocese, nor shall any diocese be formed by the junction of two or more dioceses or parts of dioceses, unless with the consent of the bishop and convention of each of the dioceses concerned, as well as of the General Convention.

No such new diocese shall be formed which shall contain less than eight thousand square miles in one body, and thirty Presbyters who have been for at least one year canonically resident within the bounds of such new diocese, regularly

settled in a parish or congregation, and qualified to vote for a bishop. Nor shall such new diocese be formed, if thereby the existing diocese shall be so reduced as to contain less than eight thousand square miles, or less than thirty Presbyters, who have been residing therein, and settled and qualified as above mentioned.

In case one diocese shall be divided into two dioceses, the diocesan of the diocese divided may elect the one to which he shall be attached, and shall thereupon become the diocesan thereof; and the assistant bishop, if there be one, may elect the one to which he will be attached, and if it be not the one elected by the bishop, he shall be the diocesan thereof.

Whenever a division of a diocese into two dioceses shall be ratified by the General Convention, each of the two dioceses shall be subject to the constitution and canons of the diocese so divided, except as local circumstances may prevent, until the same may be altered in either diocese by the convention thereof; and whenever a diocese shall be formed out of two or more existing dioceses, the new diocese shall be subject to the constitution and canons of that one of the said dioceses to which the greater number of clergymen shall have belonged prior to the erection of such new diocese, until the same may be altered by the convention of the new dioceses.

To carry out the provisions of this article of the Constitution, the same Convention enacted a canon providing for the organization of the primary convention of a new diocese.

The enactment of the new Article V, and of the canon above referred to, was caused by the application of the Convention of the Diocese of New York for a division of that diocese, which had so increased in the number of parishes and congregations as to render it impossible for a single bishop to exercise proper oversight thereof. In the Convention of the Diocese of New York, two remedies were suggested: one was the appointment of an assistant bishop, the other, the division of the diocese. It was recognized that the General Convention, by the enactment of the amended article, preferred the latter remedy, and the Convention of New York, immediately after the adjournment of General Convention, took advantage of the provisions of the new article and divided itself into two dioceses.

CONVENTION OF 1856

This Convention amended the third paragraph of Article V to read as follows:

No such new Diocese shall be formed which shall contain less than fifteen self-supporting parishes, or less than fifteen presbyters who have been for at least one year canonically resident within the bounds of such new Diocese, regularly settled in a parish or congregation, and qualified to vote for a Bishop. Nor shall such new Diocese be formed if thereby any existing Diocese shall be so reduced as to contain

less than thirty self-supporting parishes, or less than twenty presbyters who have been residing therein and settled and qualified as above mentioned, provided that no city shall form more than one Diocese.

The principal changes made by this amendment were as follows: The requirement that the new diocese must contain at least "eight thousand square miles in one body," and the like requirement for the existing diocese, were stricken out. The number of clergy required for the admission of a new diocese was reduced from thirty to fifteen, and a new requirement that there must be at least fifteen self-supporting parishes in the new diocese, and that the existing diocese must contain not less than thirty self-supporting parishes, and twenty presbyters. A further provision was added, that "no city shall form more than one diocese."

CONVENTION OF 1871

Memorials from several dioceses were presented to the General Convention of 1868, praying for the removal of some of the restrictions of Article V on the formation of new dioceses. The memorial from one diocese, referring to Article V, declared: "It has so many provisos, and limitations, and restrictions, that instead of being as its Title purports, an Article for the 'Admission of New Dioceses,' it has been actually an Article to prevent the increase of the Episcopate, and hinder the erection of new Dioceses."

Another memorial states: "The present law with regard to the division of Dioceses, is so inadequate to the emergency, so environed with difficulties, so slow in operation, as to have earned the name of 'a law for the killing of Bishops.' We suppose that we only utter the voice of the Church, when we appeal to the General Convention, for some such modification of the organic law, with respect to the division of Dioceses, as will render that law more flexible, relieve the present Bishops of some of the enormous and unreasonable demands upon their time and strength, and put a more efficient Episcopate within reach of all parts of the Church."

These memorials were referred to the Committee on Canons in the House of Deputies, which later reported in favor of amending Article V, so as to remove all the restrictions contained in the third clause thereof, except the words "No city shall form more than one Diocese," and adding one restriction to the second clause, by providing that no new diocese shall be formed "until satisfactory assurance of a suitable provision for the support of the Episcopate in the contemplated new Diocese shall have been given and accepted."

The House of Deputies approved the proposed amendments to Article V with slight verbal changes, but the House of Bishops refused concurrence, "for the reason that while this House is not inclined to interpose unreasonable obstacles to the sub-division of Dioceses, it does not deem it prudent to remove from the Constitution all limitations as to the number of Clergy and Parishes requisite for the division of a Diocese."

A Committee of Conference, having been appointed, reported in favor of amending the article so as to require not less than six parishes and six presbyters before a new diocese can be formed and satisfactory assurance of a reasonable provision for the support of the episcopate has been made in the proposed new diocese. The report of the committee was approved by both houses and finally enacted by the Convention of 1871.

The provision as to the support of the episcopate was added to the second paragraph. The third paragraph was amended as above indicated, by requiring only six parishes, and six presbyters canonically resident in the new diocese for one year, instead of fifteen self-supporting parishes and fifteen presbyters as required by the former article; also, that the existing diocese should not be so reduced as to contain less than twelve parishes and twelve presbyters, instead of thirty self-supporting parishes and twenty presbyters, as formerly required.

In the same Convention the House of Deputies approved a further amendment to Article V, permitting the General Convention, on the application of the bishop and convention of a diocese, to set off a portion of the diocesan territory as a missionary jurisdiction.

The House of Bishops refused concurrence therein, but referred the matter to its Committee on Amendments to the Constitution.

CONVENTION OF 1874

In the Convention of 1874 the same amendment was again proposed and referred to the Committee on Amendments to the Constitution, in the House of Deputies, with directions to report whether any constitutional amendment was necessary to empower the General Convention to set off a missionary territory from the bounds of a diocese. The committee reported: "There is no provision upon the subject of Missions in the Constitution." After reviewing the history of canonical

legislation in regard to missions, the committee concluded its report as follows:

That it does not require an amendment to the Constitution to empower the General Convention, through the agency of the Board of Missions, and by the processes marked out in the Canons, and in the Constitution of the Society (which may be considered to be the Constitution of the Board of Missions), with the consent of the Bishop and Convention of any organized Diocese, to occupy or set apart any portion of such Diocese as Missionary ground. (*Jour. Con. 1874, p. 89*)

The proposed amendment was approved by the House of Deputies and concurred in by the House of Bishops.

In the Convention of 1874 a memorial was presented to the House of Deputies from the Diocese of Tennessee asking for an amendment to Article V of the Constitution by omitting the words, "and such consent shall not be given by the General Convention until it has satisfactory assurance of a suitable provision for the support of the Episcopate in the contemplated new Diocese."

The Committee on Amendments to the Constitution to which the memorial was referred reported:

That the clause proposed to be omitted stands as a limitation upon the right of creating any new Diocese from one, or more than one, of the existing Dioceses of this Church. . . . The Memorial from the Diocese of Tennessee sets forth, as we believe, truly, that its necessary operation is to obstruct and delay the proper work of the Church in many parts of our country. . . . In the judgment of the Committee, the policy of this restraint is more than questionable. It seems to us more careful of the dignity of the Episcopate, than of the spread of the Church, or the salvation of the souls of men. . . . We begin to feel already the check imposed upon her growth by a Constitutional restraint, which requires an endowment first to be raised where a church can hardly be said to exist. We shall more nearly conform to the missionary spirit of our Church, and more truly follow the law of her development, if we first build her up in the destitute places of our land. Endowment will follow an Episcopate but cannot precede it, except in regions where the Church Communion is already strong, both in numbers and wealth." (*Jour. Con. 1874, p. 101*)

The committee recommended the adoption of the proposed amendment. This amendment was amended by adding to the first sentence of the third clause of Article V the words

No such new Diocese shall be formed which shall contain less than ten parishes or less than ten Presbyters who have been for at least one year canonically resident within the bounds of such new Diocese regularly settled in a parish or congregation. and qualified to vote for a Bishop.

The amendment as thus amended was adopted by the House of Deputies but was not concurred in by the House of Bishops for the reason, as stated in its message to the House of Deputies, that "at this late period of the session it has not sufficient time to consider the subject."

CONVENTION OF 1877

In the Convention of 1877 the House of Deputies adopted the proposed amendment to Article V, but the House of Bishops refused their concurrence, on the ground that they deemed further legislation in the premises unnecessary.

CONVENTION OF 1883

The House of Bishops in the Convention of 1883 approved an amendment to Article V providing for the erection of a new diocese out of an existing diocese "or Missionary Jurisdiction." The House of Deputies refused concurrence, and a Committee of Conference was appointed which recommended concurrence with the House of Bishops, with slight amendments. The House of Deputies postponed its consideration until the next Convention.

CONVENTION OF 1886

In the Convention of 1886, the Committee on Amendments to the Constitution in the House of Deputies recommended the adoption of the amendment to Article V proposed by the Committee of Conference in the Convention of 1883, but the report of the committee was laid upon the table and was not further acted upon.

CONVENTION OF 1889

In the General Convention of 1889 a resolution was introduced into the House of Bishops to strike out the words relating to a suitable provision for the support of the episcopate being required before a new diocese can be admitted in Article V. The Committee on Amendments to the Constitution reported adversely to its adoption and the report was accepted by the House.

In the same Convention an amendment to Article V was approved by both houses, to read as follows:

The General Convention may accept a cession of a part of the territorial jurisdiction of a Diocese, when the Bishop and Convention of each Diocese shall propose

such cession, and three-fourths of the parishes in the ceded territory, and also the same proportion of the parishes within the remaining territory, shall consent thereto.

CONVENTION OF 1892

In the Convention of 1892 the House of Deputies adopted the proposed amendment approved by the Convention of 1889. In the House of Bishops, the question arose as to whether the proposed amendment had been canonically notified to the several dioceses. The Committee on Amendments to the Constitution reported that the provision of Article IX of the Constitution had been practically complied with, although by the oversight of the secretary of the House of Deputies not technically made known to the several diocesan conventions. The committee made a further report recommending the adoption of a resolution, that

the failure of the Secretary to obey the precise directions of Title III., Canon I, Sec. 3, ought not *in this single instance* to be allowed to invalidate the action by which the changes in Article V of the Constitution have been adopted; because, however plain the instructions of the Canon are, it is deemed that in this case the sending of the published Journal may be allowed as a sufficient notice to meet the necessary requirements. (*Jour. Con. 1892, p. 47*)

This resolution was adopted by the House.

No further action seems to have been taken by the House of Bishops, nor is there any record in the Journal of any message from the House of Deputies communicating its action to the House of Bishops.

CONVENTION OF 1895

In the Convention of 1895, when a motion was made to finally adopt the amendment to Article V, as approved by the House of Deputies in the Convention of 1892, the question was referred to the Committee on Amendments to the Constitution to ascertain whether the proposed amendment was properly before the Convention for final adoption. The committee reported that the action of the House of Deputies was not communicated to the House of Bishops in the Convention of 1892. "The Committee, therefore, is of opinion that the action already taken has no validity, and that whatever may be done on the subject must be done *de novo*, and it recommends that the resolution be not adopted." The mover of the resolution thereupon withdrew his resolution for final adoption of the proposed amendment.

Both houses approved an amendment to Article V by adding at the close of the second paragraph the following words:

And also of the consent to the erection of such Diocese of a majority of the parishes or congregations in union with the Diocesan Convention, or of the parishes or congregations canonically constituted in a Missionary District within the territory of the proposed new Diocese, and in no case without the consent of the General Convention.

No action seems to have been taken regarding this proposed amendment in the Convention of 1898.

CONVENTION OF 1904

In the revision of the Constitution by the Convention of 1901, Article V, as proposed by the Joint Commission on the Revision of the Constitution, failed of adoption; but this Convention approved an amended article, *de novo*, which was finally enacted by the Convention of 1904, and in the same form of words as it stands at present.

CONVENTION OF 1925

At this Convention the question of giving General Convention power to determine when and on what conditions a missionary district may become a diocese was presented.

The Committee on Amendments to the Constitution of the House of Bishops reported the amendment of Article V necessary to accomplish this, did not recommend it, and asked to be discharged from further consideration of the subject.

The House of Bishops, nevertheless, adopted a resolution for amendment of Article V to accomplish this purpose. The House of Deputies did not concur. The House of Bishops then appointed a Committee of Conference whereupon the House of Deputies adopted the following:

Resolved, That this House declines to concur with the House of Bishops in adopting the resolution contained in its Message No. 159, and regrets that it cannot comply with the requests therein contained [for Conference]; but this House is assured that the suggested action would be in violation of the Rules of this House and would be establishing a very dangerous and undesirable precedent for this House and for the General Convention.

Under the rules of the House of Deputies, conference committees were "only in order when the House of Bishops has amended a House measure." (Present Rule XIV) Conference committees are not in

order where the House of Deputies has voted not to concur in a resolution sent to it by the House of Bishops.

CONVENTION OF 1928

Although there is no record of an amendment proposed in 1925 or acted on in 1928, Section 1 of Article V, prior to the latter year as published in the Journal of 1928, reads in its present form omitting from the provision for union of two dioceses the provisions, existing in 1925, that it shall require "the approval of the Bishop or the Ecclesiastical Authority of each Diocese."

The effect of this amendment, if, in spite of the record it was validly adopted, is to make the union of dioceses, where the see is vacant, impossible until a bishop has been consecrated.

CONVENTION OF 1934

An amendment was proposed for submission to the next Convention adding a new Section 8 as follows:

Sec. 8. Secs. 2, 3, 4, 5, 6, and 7 of this Article shall not apply to the erection of a new Diocese to provide a see for the Presiding Bishop.

No action is recorded.

CONVENTION OF 1940

At this Convention a concurrent resolution was adopted for action in 1943 adding a new section, to be numbered 4, as follows:

Sec. 4. Whenever two or more Dioceses desire to be united, this union must receive the consent of the Ecclesiastical Authorities and of the Conventions concerned. If this agreement take place more than three months before the next meeting of the General Convention, the aforesaid consents shall be certified to all the Bishops of this Church having jurisdiction and to all the Standing Committees of the Dioceses, and if the consents of a majority of both groups be received, the aforesaid union shall be considered complete. If this agreement take place within three months before the meeting of the next General Convention the consent of a Majority of both Houses shall be necessary to the conclusion of the proposed union.

If there be a Bishop of each of the Dioceses thus uniting, the Bishop senior in consecration shall be the Bishop of the united Diocese, and the Bishop of the other Diocese uniting shall be the Bishop Coadjutor of the united Diocese.

Section 1 at this time provided for the formation of a new diocese with the consent of the General Convention

(3) by the junction of two or more Dioceses or of parts of two or more Dioceses.

It further required the mutual agreement of the conventions of the dioceses concerned with the approval of the bishop or ecclesiastical authority of each diocese.

The sole purpose, therefore, of the proposed amendment was to take exclusive power from General Convention and vest power in a majority of the bishops having jurisdiction and standing committees to approve the union of two or more dioceses in the interval between conventions.

At the Convention of 1943 the House of Bishops adopted a resolution that the proposed amendment be not adopted, so that it never came before the House of Deputies.

EXPOSITION OF ARTICLE V

The article sets forth the conditions precedent to the admission of a new diocese into union with the General Convention.

Section 1 sets forth the composition of a new diocese.

It may be composed of the whole or any part of one or more missionary districts, by the division of an existing diocese, the junction of two or more or the parts of two or more dioceses, or the junction of the whole or any part of a missionary district with a diocese or any part of one or more dioceses.

The proceedings must originate in a convocation of the clergy and laity of the missionary district called by the bishop for that purpose, which means a special convocation; or with the approval of the bishop in a convention of a diocese to be divided; or, when the junction of two dioceses or parts of two dioceses is proposed, by mutual agreement of their conventions approved by the bishops. No division of a vacant diocese can be made, and if a missionary district has no bishop the consent of the Presiding Bishop is necessary to its erection as a diocese.

While not expressly declared in the article, the context would seem to indicate that the junction of a district and a diocese must be had by the mutual agreement of the convocation of the missionary district and the convention of the diocese concerned, and also of the bishops of the district and the diocese.

Certain evidence must be produced to the General Convention, showing that all the required conditions have been complied with, and that the new diocese has acceded to the Constitution and Canons

of the Church, and assurance given that it has made suitable provision for the support of the episcopate.

Canon 9, "Of New Dioceses," provides that the new diocese must have organized in primary convention, and adopted a name for itself, and that such name, with certified copies of its constitution adopted at such convention, must be laid before the General Convention. When all these requirements have been met, then the new diocese may be received into union with the General Convention.

The second section merely provides that when a diocese is divided into two dioceses the bishop of the diocese shall have the right to choose which one of two dioceses he shall be attached to as bishop. If there be a bishop coadjutor, he shall become the bishop of the other diocese, if he so elect. A suffragan bishop has no right of choice, nor can he become the bishop of one of the new dioceses unless he be regularly elected bishop thereof.

Section 3 provides that in case a diocese be formed of parts of two or more dioceses, each of the bishops and bishops coadjutor of the several dioceses shall have the choice of the diocese to which he will be attached.

Section 4 provides that a new diocese shall be subject to the constitution and canons of the diocese out of which it was formed, except as local circumstances may prevent, until altered by the convention of the new diocese. In case a new diocese shall be formed out of two or more existing dioceses, it shall be subject to the constitution and canons of that existing diocese to which the greater number of clergymen shall have belonged prior to its division. Objection to the provisions of this section were made by a certain new diocese in the General Convention on its admission, that it was impossible to comply with such provisions, as the constitution of the parent diocese required a certain number of clergy to be present in a diocesan convention to form a quorum, which number was greater than the whole number of clergy in the new diocese. The diocese in question was assured that the words "except as local circumstances may prevent" applied to its case and that it was not expected that an impossible condition would be complied with.

Section 5 provides that a diocese formed out of a missionary district shall be subject to the constitutions and canons to which it was formerly subject until constitutionally altered.

Section 6 provides certain restrictions on the formation of a new diocese. It must contain within its bounds at least six parishes, and

at least six presbyters who have been for at least one year canonically resident therein, regularly settled in a parish or congregation, and qualified to vote for a bishop.

Also, the diocese out of which the new diocese is formed must still have remaining within its bounds not less than twelve parishes and twelve presbyters with the same qualifications as above stated.

The first legislation on the subject covered by this section was in the Convention of 1795 when a canon was enacted that no state shall proceed to an election of a bishop unless there be at least six presbyters residing and officiating therein.

This canon was enacted because of a certain experience which showed its necessity. Certain papers relating to the election of the Rev. Samuel Peters as Bishop of Vermont were received by the Presiding Bishop and presented to the Convention of 1795. It appeared that the Rev. Mr. Peters was at the time of the so-called election a resident of England and had so been for a number of years. There was but one clergyman in the state of Vermont. He was supposed to have gone there for the purpose of the election and to have left the state soon after. Application was first made to the Archbishop of Canterbury for the consecration of the Rev. Mr. Peters. On the refusal of the archbishop to consecrate him, application was made to the American bishops, who also refused on the ground that Vermont was not in union with the Church in the United States, not having acceded to the Constitution of the General Convention. An interpretation of this canon was sought at the General Convention of 1799 in connection with the testimonials of the Rev. Uzzal Ogden, Bishop-elect of New Jersey. The case, as stated by Dr. Hawks in his *Constitution and Canons* (p. 61), was as follows: "The clergy of New Jersey on the 16th of August, 1798, when the election was held, consisted of the Rev. Dr. Wharton, and Messrs. Ogden, Waddell, Croes, Gardiner, Rayner, and Fowler. Mr. Gardiner had received his appointment as an assistant minister of one of the churches in the diocese only a little over two months before the Convention met. Mr. Fowler had officiated in the diocese only the same length of time, and Mr. Waddell produced his certificate of his induction into a parish after the Convention met. All of the seven clergy were present at the election. Mr. Ogden and Mr. Waddell, however, did not vote, so that only five clerical votes were cast, and all were for the Rev. Mr. Ogden. Mr. Waddell as president of the Convention signed the testimonials with the rest of the clergy."

When the testimonials were considered in General Convention, doubts were entertained "whether all the priests who voted in the election of the Rev. Dr. Ogden to the office of a Bishop in the State of New Jersey, were so qualified as to constitute them a majority of the resident and officiating priests in the said State, according to the meaning of the Canon"; and the testimonials were referred back to the Convention of New Jersey. Bishop White in his *Memoirs* states that this rigorous construction of what constituted a resident and officiating presbyter under the canon may have resulted from other causes than a fair interpretation of its words and meaning. Dr. Ogden was suspected of an attachment to other religious societies stronger than that which he bore to the Church, and, in fact, died a Presbyterian minister.

The circumstances of this case gave rise to another canon enacted by the Convention of 1799, which provided that "No clergyman employed by the year, or for any limited time, shall be considered as a regularly officiating and resident minister of the Church in any State," for the purpose of electing a bishop.

Another case that occurred under these canons was that concerning the first election of Bishop Smith of Kentucky, in 1831. At that time there were three clergymen, rectors of churches in the state, and three deacons officiating in certain towns of the state as missionaries of the missionary society. There were also two other presbyters of the Church engaged in the business of teaching, but not officiating in any clerical capacity. The Convention met on June 13, 1831, the Bishop of Virginia being present and presiding. At the opening of the Convention all the clergy mentioned were present except the two engaged in teaching. All were now presbyters, as the Bishop of Virginia had ordained the three missionaries as priests the day before the Convention met. On June 14 the Convention resolved that it was expedient to elect a bishop. In the meantime the bishop had left the Convention and taken one of the missionaries with him, so that only five clergymen were then present in the Convention. When the testimonials were presented to the several standing committees, a serious question arose as to the validity of the election. It was felt that the three missionaries did not fulfill the requirements of the canon that they should be officiating and resident presbyters, as they were employed by the Domestic and Foreign Missionary Society and might be withdrawn at any time. Also that there were but four organized parishes in the state, no one of which had an

assistant minister; therefore, there could not be more than four *bona fide* settled episcopal clergymen within the provisions of the canon, which called for actual and not mere canonical residence. To obviate all difficulties, the election was not insisted upon by Kentucky. At the next annual Convention, when there was no question as to there being the canonical number of qualified clergymen in the state, Bishop Smith was again elected bishop and consecrated in 1832.

In tracing the history of legislation on the subject of the number of presbyters required for the election of a bishop, which, formerly a canon, is now incorporated practically as a part of Article V, it should be noticed that the provisions of the canons were dispensed with in one instance under peculiar circumstances. As the country west of the Allegheny Mountains began to be settled, the need of a bishop for that section of the country was soon realized, but there was no state in that section qualified under the canons, to elect a bishop. To remedy this, in 1817 the House of Bishops enacted a canon limiting the operation of the canons relating to episcopal elections, which was concurred in by the House of Deputies. The House of Bishops also adopted resolutions recommending to the episcopal congregations in the states referred to, to organize conventions to be received into union with the General Convention, and, when expedient, to unite in the choice of a bishop having jurisdiction over those states. In the canon it was declared that in this case "the number of Clergymen specified in the second Canon shall not be requisite." In 1820, as the object sought to be obtained by the canon had been attained by the election of a Bishop of Ohio, the Canon of 1817, dispensing with the former requirements, was repealed.

Section 7 requires that there must be given satisfactory assurance by a new diocese seeking admission into union with the General Convention of a suitable provision for the support of the episcopate before the Convention may give consent to such admission. This provision was added to Article V by the General Convention of 1871. The object of this section was to secure such provision for the support of the episcopate in a new diocese by endowment or otherwise, that the church in such diocese would be relieved of assessments for the bishop's salary. It was thought that this being made a condition precedent to the admission of a diocese into union with the General Convention, more vigorous and successful efforts would be made to secure such provision than if it was left to the diocese to provide therefor after its admission. Excellent as was the idea it did not always

accomplish the intended purpose. Dioceses seeking admission into union with the General Convention found ways of defeating that purpose, as in the case of one new diocese, which made no attempt to raise any endowment or principal sum for the support of the episcopate, but secured sufficient bonds at a rate of seven per cent interest from the several parishes in the diocese to give an income equal to the salary of the bishop. It was of course an assessment, only under another name, but its ultimate effect was far worse than an assessment would have been. Some of the parishes that were comparatively strong when the bonds were given, grew weaker and weaker as the years went by, until, finally, the interest on their bonds became a heavy burden. Other parishes which were comparatively weak when their bonds were given grew in strength, but the amount of their bonds remained the same. The result was that after a while some weak parishes were paying three or four times the amount of interest that strong parishes were paying. It was nearly forty years before a sufficient endowment for the episcopate was raised to warrant the canceling of the bonds given for the support of the episcopate.

In the early days of the American Church, when the Constitution was first adopted, the bounds of a state and of a diocese were coterminous. In all probability, the only idea in the minds of the framers of the Constitution was that of the state as the unit of diocesan organization. In fact, so far were any other dimensions than those of whole states from suggesting themselves to the minds of our first lawmakers that in all the constitutional provisions framed by them until 1838 the word "state" stood in the place of "diocese." Thus "the Church in each state"; "the Convention in each state"; "a majority of suffrages by states."

The Memorial of the Diocese of New York introduced in the House of Bishops in the Convention of 1835, praying for a division of that diocese, called for an inquiry as to what alterations were necessary in the Constitution in order to authorize the division of an existing diocese, or the erection of a new diocese less in extent than a state, showing that no authority for either was supposed to be found in the Constitution. It had been the fundamental law of the American Church from the beginning that new dioceses must be coterminous with the states in which they lie, even though that state be a Texas.

At length, in 1835, nearly forty years after the adoption of the Constitution, the unmanageable size of the State of New York forced the subject upon the attention of the Church and wrung, most reluctantly,

from the General Convention some relaxation of the rule. The reluctance, or at least the great caution with which the step was taken, was evident from the conditions imposed, and still more from those proposed. The House of Bishops at first proposed to require in each portion of the diocese to be divided 10,000 square miles of territory and fifty clergy; or 20,000 square miles in all and one hundred settled clergy. And though these conditions were reduced to 16,000 square miles and sixty presbyters in all, yet even this shows how far the Church was, at that time, from encouraging the reduction in size of her dioceses.

Since then the legislation of the Church in this direction has but slowly advanced. In 1856 the territorial restriction upon division was seemingly removed. Seemingly, we say, for rather it was commuted into another form of territorial restriction, requiring forty-five self-supporting parishes, but reducing the number of presbyters from sixty to thirty-five. The policy of this restriction is certainly questionable. As the Committee on Amendments to the Constitution stated in their report to the House of Deputies in the Convention of 1874, "It seems more careful of the dignity of the Episcopate, than of the spread of the Church, or the salvation of the souls of men." The support of a new episcopate is essentially a matter of civil contract between the bishop-elect and the people who call him to be their chief pastor; why then restrict their action by organic law?

ARTICLE VI

SECTION 1. The House of Bishops may establish Missionary Districts in States and Territories or parts thereof not organized into Dioceses. It may also from time to time change, increase, or diminish the territory included in such Missionary Districts in such manner as may be prescribed by Canon.

Missionary
Districts
may be
established

SEC. 2. The General Convention may accept a cession of the territorial jurisdiction of a part of a Diocese when such cession shall have been proposed by the Bishop and the Convention of such Diocese, and consent thereto shall have been given by three-fourths of the Parishes in the ceded territory, and also by the same ratio of the Parishes within the remaining territory.

Cession of
jurisdiction

Any territorial jurisdiction or any part of the same, which may have been accepted from a Diocese by the General Convention under the foregoing provision, may be retroceded to the said Diocese by such joint action of all the several parties as is herein required for its cession, save that in the case of retrocession of territory the consent of parishes within the territory retroceded shall not be necessary; provided that such action of the General Convention, whether of cession or retrocession, shall be by a vote of two-thirds of all the Bishops present and voting and by a vote of two-thirds of the House of Deputies voting by orders.

Retrocession
of such
jurisdiction

SEC. 3. Missionary Districts shall be organized as may be prescribed by Canon of the General Convention.

Organization
of Missionary
Districts

CONVENTION OF 1901

This article was first enacted by the Convention of 1901 and is the first constitutional enactment of General Convention on the subject of missions, except Article III which provides for the consecration of bishops for foreign lands.

The Domestic and Foreign Missionary Society was formed in 1821, and the first missionary bishop was elected and consecrated in 1835.

CONVENTION OF 1937

At this Convention a concurrent resolution was adopted proposing amendment of the second paragraph of Section 2 to read as at present. Prior thereto the joint action of all the parties, required for a cession, was required for retrocession—in other words, not only the bishop and Convention but also three-fourths of the parishes in the territory.

CONVENTION OF 1940

The amendment proposed in 1937 was adopted at this Convention.

In this Convention a resolution, offered in the House of Bishops, proposing an amendment of Section 2 to empower the General Convention to accept jurisdiction of parishes and missions of a diocese “when such Parishes and Missions are to form part of a Racial Missionary District” was lost.

As worded, the amendment would have restricted cession to cases where the parishes and missions were to be formed into a new kind of district known as a racial missionary district which would have created constitutional segregation.

CONVENTION OF 1946

At this Convention a resolution was adopted by the House of Bishops proposing an amendment of the second paragraph of the section by striking out the words “present and voting” and substituting the words “entitled to vote.” The House of Deputies did not concur.

CONVENTION OF 1949

Acting on a memorial from the Province of the Pacific, the House of Bishops adopted the following resolution:

Resolved, The House of Deputies concurring, that Article VI, Section 2, of the Constitution be amended as follows:

(a) Amend the second paragraph of present Section 2 to read:

Article VI, Section 3. The territory included in any Missionary District may be retroceded, increased, diminished or otherwise changed in such manner as may be prescribed by Canon, provided, that in case it is proposed to retrocede such territory to the Diocese from which it was originally accepted, or to add it to the territory of any other organized Diocese, the consent of said Diocese evidenced by the Action of its Convention shall first be obtained.

In the House of Deputies the Committee on Amendments to the Constitution reported that the language of the proposed amendment

was not properly integrated with the rest of Article VI and recommended nonconcurrence. The House did not concur.

EXPOSITION OF ARTICLE VI

One reason why no constitutional provision had ever been enacted to authorize the erection of missionary districts and the election of missionary bishops was because the General Convention never doubted its right to erect missionary districts outside of organized dioceses, even though there was no word in the Constitution giving to it that power. Even the canons did not expressly give the House of Bishops power to consecrate missionary bishops. They gave that power only by implication, in the provision that the House of Deputies might, on nomination by the House of Bishops, elect bishops for states and territories not organized into dioceses. This part of Section 1 of the article is not, therefore, the enactment of any new law, but simply a constitutional statement of an existing law, well recognized and long acted upon.

Section 2 makes provision for the case of a diocese that desires to sever from itself a part of its territory, for which it feels itself unable to provide adequate episcopal supervision. Under this section, the General Convention may accept the cession of the territorial jurisdiction of a part of a diocese, the bishop and the convention of such diocese having previously consented thereto by a three-fourths vote of the parishes in the ceded territory, and a like three-fourths vote of the parishes in the remaining part of the diocese. Although not so stated in the section, the purpose of such cession is for the formation of a missionary district of the ceded territory. A two-thirds vote of each house of General Convention is necessary to give consent to such cession.

In the second paragraph of this section provision is made for the retrocession to a diocese of territory once ceded by it to General Convention, by the joint action of all the several parties concerned, and by the same vote in each case as required for its cession save that the consent of parishes within the territory retroceded is not necessary. This provision is entirely new, as there was no provision in the Constitution or canons prior to 1901, whereby territory once ceded by a diocese could be retroceded to the diocese.

Only parishes, and not missions, have a vote.

The question of retrocession of the territorial jurisdiction of the Missionary District of Colorado came before the Convention of 1919 and was accomplished in that year with the consent of the Convention.

In the message of the House of Bishops to the House of Deputies announcing the consent of that house to the retrocession of Western Colorado, it states:

The Bishop and Convention of Colorado having unanimously agreed to this, and there being no Parishes within the meaning of the Canon in the District of Western Colorado, etc.

The Bishop of Western Colorado had previously been translated to the Missionary District of Idaho.

In 1946 the retrocession of the territorial jurisdiction of the Missionary District of Western Nebraska to the Diocese of Nebraska was likewise accomplished. (*Jour. pp.* 328-329) The question was raised from the floor of the House of Deputies as to whether, under Article V, Section 7, satisfactory assurance must be given of a suitable provision for the support of the Episcopate. The president of the House of Deputies declined to rule as to the applicability of that provision and since the assurance given by the deputies from the Diocese of Nebraska on that point was accepted by the house as satisfactory, no issue as to applicability was actually presented. It would seem, however, that under this article no new diocese is being erected by a retrocession, but rather the territorial jurisdiction of an existing diocese is being enlarged. Therefore, the provisions of Article V, Section 7, would not, by their very terms, be applicable.

Section 3 simply provides that missionary districts shall be organized as the canon of General Convention may direct. This provision was entirely new, there having been no former canonical provision on the subject.

Doctor White then wrote as follows:

The General Convention, in enacting this Article providing for the establishing of missionary districts, did not intend thereby to declare that its previous action in establishing missionary districts and electing and consecrating missionary bishops without any constitutional provision therefor was unconstitutional. For more than half a century it had given its consent to the erection of missionary districts and the consecration of missionary bishops without any question as to its right and power to so act. This fact demonstrates the correctness of the theory upon which the General Convention has ever acted from the beginning of its history, that it has the power to legislate on any subject unless expressly forbidden to do so by the Constitution. In other words, upon every question of the power of the General

Convention to legislate, the inquiry is not, whether the power has been conferred, but whether it has been denied or restricted. The General Convention not only makes the Constitution but it interprets the Constitution. The Constitution does not come from any power behind the Convention. The General Convention made the Constitution and it amends the Constitution, and assumes that all power is in the General Convention which the Constitution itself does not limit. The General Convention limits its own power, and it may remove the limitation. The majority of the canons cannot be supported on the ground that the power to enact them is derived from some clause of the Constitution. The Canons of 1789 were enacted before the Constitution itself was finally adopted. It is impossible to find in the Constitution, either in express language, or by warrantable inference, any provisions on which to rest the validity of a majority of the canons of General Convention. We need only instance the erection of missionary districts and the election and consecration of missionary bishops prior to 1901; also the requirement that every diocese is to have a standing committee. Where is the authority given in the Constitution, before 1901, requiring every diocese to have a standing committee? As before stated, probably one-half of the legislation proposed is of that kind.

The true theory of the power of the General Convention would clearly seem to be, that the mere act of establishing such a Convention involved and attached to it every power of legislation inherent in such a body, and not expressly refused to it.

As stated by the reverend and learned author in his exposition of Article I:

When in 1789, the whole Church in the United States, through its competent representatives, declared: "There shall be a General Convention of the Protestant Episcopal Church in the United States," it enunciated the great principle that this was a national Church, and that such a Convention was to be its highest council. The mere act of establishing this council involved and attached to it every power inherent in such a body and not expressly refused it.

It seems always to have been the position of the Convention that, save as limited by the Constitution, its powers are plenary. At the Convention of 1940, we find the Committee on Amendments to the Constitution of the House of Deputies reporting as follows:

The House of Deputies has requested this Committee to advise it as to what steps of a constitutional character will be necessary in order that union between this Church and any other Christian body may be effected. Your Committee's reply is that no constitutional provision or change is necessary. There is no restriction upon this point in the Constitution, and therefore the power to effect such union, when an accord shall have been reached, lies in the General Convention untrammelled. Dr. White said that the General Convention has many times acted upon the principle that omission does not mean prohibition. When there is no restriction, the General Convention has full power to enact such legislation as it deems wise and proper.

The occasion for this report was a memorial from the Diocese of

Milwaukee and a resolution proposing that Article XI of the Constitution governing amendment be amended to read:

No alteration or amendment of this Constitution shall be made, and no concordat or agreement with any other body affecting the Constitution or the Book of Common Prayer of this Church shall be entered into, unless the same shall be first proposed, etc.

With respect to this resolution the Committee reported:

Your Committee feels that it would be exceedingly unwise for the General Convention at this time to tie its hands or restrict itself in any way on this subject.

It is plain, of course, that if any change in the Constitution or Prayer Book formed an essential part of union with another religious body, such change could only be effected by constitutional procedure.

On the other hand, the adoption of our Constitution in 1789 has been likened to the federal government of the United States, and, if that were true, General Convention would have only such powers as were expressly granted it by the churches in the several states and such implied powers as are necessary for the exercise of those express powers.

The second section of the article, stating that the General Convention has power to accept the cession to it of a part of an organized diocese, involves a principle that occupied the attention of several conventions, and in the Convention of 1877, was the subject of an extended debate in the House of Deputies.

Memorials were presented to the General Convention of 1871 from the Dioceses of Texas and California setting forth the impossibility for any one bishop to exercise due episcopal supervision over the vast territory in each state, and praying the General Convention to take charge of a certain portion of each diocese and establish a missionary district within the bounds of the diocese. In response to these memorials each house adopted an amendment to Article V of the Constitution, making provision for the setting apart of a portion of an organized diocese, and establishing it as a missionary district. The two houses, however, could not reach an agreement as to the wording of the proposed amendment, and the matter went over to the General Convention of 1874.

Both houses of the General Convention of 1874 agreed upon a proposed amendment to Article V, reading as follows:

The General Convention may, upon the application of the Bishop and Convention of an organized Diocese, setting forth that the territory of the Diocese is too large

for due Episcopal supervision by the Bishop of such Diocese, set off a portion of such Diocesan territory, which shall thereupon be placed within or constitute, a Missionary Jurisdiction, as the House of Bishops may determine.

This proposed amendment, of course, went over to the next Convention for final adoption. Meanwhile, however, the General Convention, realizing that the needs of Texas and California for increased episcopal supervision were too urgent to be longer delayed, agreed upon the following joint resolution:

Whereas, The Diocese of Texas, by deliberate action of the Bishop and Convention thereof, has for urgent and sufficient reasons declared its desire to establish its northern and western limits on the northern lines of—[naming the Counties]; and, Whereas, This Convention is sufficiently assured of the consent of the parishes lying north and west of the aforesaid limits to the proposed limitation; and . . .

Whereas, While grave doubts are entertained by many of the power under our Constitution to permanently alter the territorial extent of a Diocese in this form, yet impressed by the great necessities of the Church in that Diocese, and of the justice of her claims for prompt relief; therefore

Resolved, the House of (Deputies or Bishops, as the case may be) concurring, That the General Convention hereby signifies its consent and agreement to the limitation of the jurisdiction of the Bishop and Convention of the Diocese of Texas to, and within, the limits above indicated, until such constitutional amendment, and legislation thereunder, can be secured, as are necessary to remove the doubts aforesaid; and that, in the meantime, the territory outside the limits aforesaid, and within the State of Texas, be held and treated as Missionary territory, and subject to Missionary jurisdiction. (*Jour. Con. 1874, p. 134*)

A joint resolution in the same form was also adopted for the case of the Diocese of California.

Immediately upon the adoption of these resolutions, the House of Bishops established two missionary jurisdictions in Texas and one in Northern California, and bishops were at once elected and consecrated for each of these jurisdictions.

In the Convention of 1877, when the proposed amendment to Article V of the Constitution, approved by the Convention of 1874, came up for final adoption, it led to a debate in the House of Deputies lasting several days, a debate in which the powers of the General Convention to legislate on subjects not expressly denied to it by the Constitution were ably discussed. Many, including most of the ablest lawyers in the House, held that no amendment to the Constitution was necessary to enable the General Convention to erect missionary jurisdictions in organized dioceses. Others held that while they believed the Convention had full power in the matter, yet, in order to settle the question beyond controversy, they favored the adoption of the proposed amendment. A small minority held the amendment

was necessary in order to enable the Convention to act in a constitutional manner. The House adopted the proposed amendment by a bare majority in each order. The House of Bishops, however, refused to concur with the House of Deputies in the adoption of the amendment for the reason, as stated in their message, "that they deem further legislation in the premises unnecessary."

No further legislation was effected by General Convention on this question until the adoption of present Article VI by the Convention of 1901. In the meantime missionary jurisdictions were erected and missionary bishops elected and consecrated, under canonical provisions.

The subject of missionary jurisdictions at the time the Constitution was adopted had not entered the mind of the Church. The day came when the Church resolved that it is, and, of necessity, must be a missionary organization, with the world as the field; the Church was determined to send out laborers into the field. As a result missionary jurisdictions were formed. Up to this time the only idea in the mind of the Church had been that of the diocese as the unit, and it was a novelty when a missionary jurisdiction was mapped out. The establishment of missionary jurisdictions was a thing which was unprovided for by the Constitution. Will any one claim that taking charge of that portion of the mission field and forming missionary jurisdictions was unconstitutional for the sole reason that it had not been provided for in the Constitution? Is not the Church at liberty to do anything except what the Constitution prohibits in explicit terms?

A word as to the position which some have taken, that jurisdiction, once having been conferred upon a bishop over his diocese, cannot be taken away from him even with his consent.

A bishop in his consecration receives a mission, and he receives jurisdiction. The mission cannot be taken away except for certain reasons, and by the operation of certain causes. The jurisdiction may be taken away by resignation. By resignation to whom? To the episcopacy of the whole country as provided by canon. It will not be disputed that if the resignation of a bishop of an organized diocese or missionary district be accepted by the House of Bishops, then the jurisdiction of such bishop ceases, and is at an end. But if a bishop may resign his charge over an entire diocese, why may he not with the consent of his convention, and with the consent of the House of Bishops, also resign it over a part of his diocese, for the purpose of having it erected into a missionary district? If he may resign the whole of his jurisdiction, he may also resign a part of that jurisdiction.

ARTICLE VII

Dioceses and Missionary Districts may be united into Prov-^{Provinces}inces in such manner, under such conditions, and with such powers, as shall be provided by Canon of the General Convention; *Provided, however*, that no Diocese shall be included in a Province without its own consent.

CONVENTION OF 1901

This article was enacted by the Convention of 1901, when the Constitution was revised, and is the first constitutional provision for the erection of provinces.

EXPOSITION OF ARTICLE VII

The question of dividing the American Church into provinces was first introduced in General Convention by Bishop DeLancey of Western New York in 1850, who offered a resolution in the House of Bishops for the appointment of a joint committee "to report on the expediency of arranging the Dioceses, according to geographical position into four Provinces, to be designated the Eastern, Northern, Southern, and Western Provinces, and to be united under a General Convention or Council of the Provinces, having exclusive control over the Prayer Book, Articles, Offices, and Homilies of this Church, to be held once every twenty years." This resolution was laid over until the next Convention.

The House of Bishops adopted this resolution in the Convention of 1853, but later reconsidered their action and postponed further action in the matter until the next Convention. In the House of Deputies, in the same Convention, the matter was laid upon the table.

In the Convention of 1856 the House of Bishops indefinitely postponed the question.

In the Convention of 1865 the subject of provinces was again brought to the attention of the Convention by a memorial from the Diocese of New York, praying for the establishment of provinces. Resolutions of the Convention of the Diocese of Pennsylvania were also introduced in the House of Deputies asking the General Convention to

provide legislation for the establishment of federate councils in states having two or more dioceses therein.

A committee, to which both the memorial and the resolutions were referred, reported adversely to the establishment of provinces but recommended the adoption of a proposed canon providing for the establishment of federate councils. This canon failed of enactment in the House of Deputies by one divided lay vote, on a vote by orders. From this time on until the adoption of Article VII by the Convention of 1901, the subject of provinces was brought before every intervening General Convention. In the General Convention of 1874 the Committee on Amendments to the Constitution in the House of Deputies was instructed to report upon the expediency of appointing a joint committee to devise a provincial system. The committee made an extended report in which they pictured the dire train of evils that would result to the Church should a provincial system be adopted. Among other things, the committee reported, that "Such a system would dismember the Church, and out of this now compact and now united body, create five or seven or ten separate Churches. . . ."

If the House of Deputies should hereafter become too numerous for convenient and efficient action, the evil may be promptly remedied without any fundamental change in the character of our ecclesiastical structure, by constitutional amendments from time to time reducing the number of Deputies from each of the Dioceses, whenever rendered necessary by their increase in number.

Attempts in recent years to effect a reduction in the number of deputies from each diocese would seem to indicate that the remedy suggested by the committee is not so easy of accomplishment as the committee thought.

The committee, after stating that "Apart from these fearful consequences in the future, reaching far down the coming ages, etc.," recommended that it was inexpedient to establish a provincial system. Of course, the House with such a prospect before it, accepted the report of the committee. (*Jour. Con. 1874, p. 150*)

With the report of this committee, a comparison of the report of a joint committee appointed by the Convention of 1889 to report to the Convention of 1892 whether a division of the Church into provinces was expedient, and if so what changes were necessary in the Constitution and Canons to effect such a division, is interesting.

The committee reported

That they had endeavored to give such careful consideration to the matter committed to them as its gravity and magnitude demanded. At every step they have

been impressed more and more with its intrinsic importance to the prosperity of the Church in the United States, and by an evident conviction in the public mind that some decisive action on the main interests touched in the terms of the resolutions by which the Committee was created ought to be taken without unnecessary delay. Reasons for such comprehensive legislation, contemplating a serious change in the Constitution and Canons of the Church, must be sought not only in a present economy and in the inconveniences of an emergency, but in a larger view of the original and historical development of the Catholic Body as the Kingdom of Christ among the nations of the earth. . . . Added to this reason of conformity are others, such as the dimensions, cost, and unwieldiness of our Triennial Convention, if not now at least in the near future, the need of a higher and safer judiciary than that of a single Diocese, a more intelligent mode of assent to the consecration of Bishops, a more simple and effective working of Missions, and a foreclosure of sporadic, grotesque, and inconsistent measures of combination. . . . It is far from the purpose of your Committee to enter into an argument on the subject, or to discuss its many difficult details. These suggestions are offered as the ground of a recommendation that the inquiry be continued, and that a more specific report be presented at the next Convention. They recommend the adoption of the following resolution:

Resolved, The House of Bishops concurring, that the Committee be continued. (*Jour. Con.* 1892, p. 344)

This resolution was adopted by the House of Bishops.

These two reports, made by committees from the same body and only fifteen years apart, are certainly in strong contrast, the one with the other, and evidence that there must have been a complete change of mind on the part of the Church on the subject of provinces.

Owing, probably, to the fact that a revision of the Constitution was being considered, no action was taken by the Convention of 1895, except to refer the whole matter of provinces to the Committee on the Revision of the Constitution.

In the Convention of 1898 both houses approved the present Article VII, Of Provinces, and it was adopted by the Convention of 1901.

From the General Convention of 1850, when the subject of provinces was first brought to the attention of General Convention, until the Convention of 1901, when the article on provinces was adopted, there was not a convention, with the exception of the Conventions of 1859 and 1862, in which some action on the subject of provinces or federate councils was not taken by one house or the other.

Article VII differs very materially from the constitutional provisions on provinces proposed in former General Conventions. Most of those propositions included therein too much detail as to the manner in which the provincial idea should be carried out. The present article

follows the true principle of constitutional enactment, by setting forth the germ out of which the whole system of provinces may grow, leaving it to the canons to prescribe in what manner, under what conditions, and with what powers provinces may be established.

The present article is only permissive, "Dioceses and Missionary Districts *may* be united into Provinces." As first approved by the House of Bishops, the article did not contain the proviso, that "no Diocese shall be included within a Province without its own consent." When the matter came before the House of Deputies, a few dioceses were most strenuous in their opposition to the establishment of provinces and questioned the right of the General Convention to force them into a provincial organization without their consent, so that the House deemed it wise to leave it to each individual diocese to decide whether it would become a member of a province or not. After the enactment of the Canon on Provinces, which divided the Church into eight provinces, only three dioceses took advantage of the proviso and declined to enter the provincial system, and these have each since then entered the province in which they were respectively placed, so that every diocese and missionary district is now a member of a province.

The provincial idea has been a matter of growth in the American Church. Twenty General Conventions, each one giving consideration to some form of that idea, were necessary before the canon actually dividing the Church into provinces was enacted by the General Convention of 1913. There seemed to be a strong reluctance in some quarters to accept the provincial idea. This was due, to some extent, to the natural desire to preserve state boundaries as the boundaries of the ecclesiastical organizations, and to preserve the historic unity and tone of the whole original diocese. It was a misapplication of the old doctrine of state sovereignty to church affairs. There never was, in the ecclesiastical field, any real foundation for the theory of diocesan independence. Each diocese is dependent upon the rest of the Church for procuring a bishop and for continuing the succession when its bishop dies; and thus being absolutely dependent for the vital element of its own organization, it cannot be independent at the same time. Another objection to embracing the provincial idea was the fear that if provinces were established, General Convention would only meet at longer periods. The first resolution regarding provinces, introduced in the General Convention of 1850, provided for the meeting of the General Convention only once in twenty years,

and in other conventions, propositions regarding provinces contained provisions for General Conventions to meet less frequently than at present. But such a fear at the present time seems without foundation. Whatever powers may be given to provincial synods, it is certain that General Convention will never surrender to those synods any matters connected with alterations of the Constitution, or the Prayer Book, or the standards of the faith, doctrine, and worship, and even a large part of the discipline of the Church must be retained by the General Convention. And when we remember that no change can be made in the Constitution, Prayer Book, or Ordinal, except by two successive Conventions, and then view the work on these subjects presented at every General Convention, bold indeed would be the man that would have the temerity to propose that General Convention should meet less frequently than at present.

While the Church has adopted the principle of the provincial system and put it into operation, it seems to hesitate to confer any large powers upon the provincial synods. At present the synods are too largely inspirational with practically no legislative powers. Their sessions are in large part simply a more or less interesting debating society on missionary, social, and educational questions. The powers as yet granted to the provincial synods are not such as to make the active businessman wildly enthusiastic to attend its sessions. In 1907, after the proposed Canon on Provinces was defeated, missionary councils were established in each of the eight judicial departments, in the hope that they would fill the place of provincial synods. No legislative powers were granted to these councils. Six years were sufficient to prove that missionary councils were not a success in meeting the needs of the Church. The reason was, that while they could *talk* about missions they could *do* nothing. They had no power of legislation, and it was just this lack of power of legislation, this inability to do anything, that killed them.

Any reasons for vesting the provinces with greater powers than they now possess have largely ceased to exist since the creation of the National Council in 1919, which marked a fundamental change in the approach of the Church to extension and missionary activities.

Instead of eight councils in the several provinces there is now one national body with a continuing administrative staff and a unified policy upon which all the provinces are represented. This results in a national approach on questions of general importance.

ARTICLE VIII

Requisites for ordination

No person shall be ordered Priest or Deacon to minister in this Church until he shall have been examined by the Bishop and two Priests and shall have exhibited such testimonials and other requisites as the Canons in that case provided may direct. No persons shall be ordained and consecrated Bishop, or ordered Priest or Deacon to minister in this Church, unless at the time, in the presence of the ordaining Bishop or Bishops, he shall subscribe and make the following declaration:

Declaration

"I do believe the Holy Scriptures of the Old and New Testaments to be the Word of God, and to contain all things necessary to salvation; and I do solemnly engage to conform to the Doctrine, Discipline, and Worship of the Protestant Episcopal Church in the United States of America."

Proviso

Provided, however, that any person consecrated a Bishop to minister in any Diocese or Missionary District of an autonomous Church or Province of a Church in Communion with this Church may, instead of the foregoing declaration, make the promises of Conformity required by the Church in which he is to minister.

If any Bishop ordains a Priest or Deacon to minister elsewhere than in this Church, or confers ordination as priest or deacon upon a Christian minister who has not received Episcopal ordination, he shall do so only in accordance with such provisions as shall be set forth in the Canons of this Church.

Admission of foreign Clergy

No person ordained by a foreign Bishop, or by a Bishop not in communion with this Church, shall be permitted to officiate as a Minister of this Church until he shall have complied with the Canon or Canons in that case provided and also shall have subscribed the aforesaid declaration.

The only amendments made since the original White edition are (1) the addition in 1925 of what is now the fourth paragraph of the

article; and (2) the action in 1946 which added the proviso following the text of the required declaration, and added certain language to the paragraph which had been included in 1925.

CONVENTION OF 1789

This article is unique in that it has received less amendment since its enactment by the General Convention of 1789 than any other article of the Constitution. Until the revision of the Constitution in 1901, it not only remained unamended, but no amendment thereto was offered in either house of Convention.

As enacted by the Convention of 1789, the article read as follows:

ARTICLE VIII. No person shall be admitted to Holy Orders, until he shall have been examined by the Bishop and by two Presbyters, and shall have exhibited such testimonials and other requisites as the Canons in that case provided may direct. Nor shall any person be ordained until he shall have subscribed the following declaration: "I do believe the Holy Scriptures of the Old and New Testament to be the Word of God, and to contain all things necessary to salvation: and I do solemnly engage to conform to the doctrines and worship of the Protestant Episcopal Church in these United States."

No person ordained by a foreign Bishop shall be permitted to officiate as a Minister of this Church, until he shall have complied with the Canon or Canons in that case provided, and have also subscribed the aforesaid declaration.

CONVENTION OF 1901

In the revision of the Constitution by this Convention, only a few slight amendments were made.

The words

No person shall be ordered Priest or Deacon until he shall have been examined by the Bishop and two Priests,

were substituted for the words

No person shall be admitted to Holy Orders until he shall have been examined by the Bishop and two Presbyters,

at the beginning of the article.

The words

No person shall be ordained and consecrated Bishop, or ordered Priest or Deacon, unless at the time, in the presence of the ordaining Bishop or Bishops, he shall subscribe and make the following declaration,

were substituted for the words

Nor shall any person be ordained until he shall have subscribed the following declaration,

immediately preceding the declaration of conformity.

The words

No person ordained by a foreign Bishop or a Bishop not in communion with this Church

were substituted for the words

No person ordained by a foreign Bishop,

immediately following the said declaration.

The words

and also shall have subscribed

were substituted for the words

and have also subscribed,

in the last line of the article.

As will be noted, these changes do not affect any principle of the article; they only make clearer and more definite its provisions.

CONVENTION OF 1922

Article VIII was amended by this Convention by inserting the words: "to minister in this Church," after the word "Deacon" in the first line, and inserting the same words after the word "Deacon," in the sixth line.

This amendment was occasioned by the so-called "Concordat," or "Proposals for an Approach toward Unity," submitted to the Convention of 1919 by certain representatives of the Congregational Church, and also of our own Church. A canon, entitled "Of the Ordination of Ministers in Certain Exceptional Cases," and authorizing the ordination to the diaconate and to the priesthood of ministers belonging to other Christian bodies under certain conditions, was introduced in the House of Bishops and referred to the Committee on Canons of that House. That committee reported that there were grave constitutional difficulties in the way of the enactment of the proposed canon, calling attention especially to the last part of the Declaration of Conformity in Article VIII, where the ordaining bishop is required to

obtain from the person to be ordained a promise to "conform to the Doctrine, Discipline, and Worship of the Protestant Episcopal Church," before proceeding to ordain him, and that this could not be obtained from a person who does not intend to give up or deny his membership or ministry in another religious body. It was to meet this and other constitutional difficulties that the amendments to the article finally adopted by the Convention of 1922 were proposed by the Convention of 1919.

CONVENTION OF 1925

A question arose at this Convention concerning the words of the declaration and a proposal was made to amend them. The words proposed do not appear in the Journal but their purpose may be gathered from the report of the Committee on Amendments of the House of Deputies as follows:

The Committee feels that the present words of the Declaration do not confine those who subscribe thereto to any particular theory as to the inspiration of the Holy Scripture of the Old and New Testaments, and that the proposed change in the language which the long use of the Church has hallowed is unnecessary.

The matter was placed on the calendar and the report of the committee adopted.

At this Convention the section was amended by the addition of a new paragraph, proposed in 1922, after the declaration as follows:

If any Bishop ordains a Priest or Deacon to minister elsewhere than in this Church, he shall do so only in accordance with such provisions as shall be set forth in the Canons.

CONVENTION OF 1943

A new paragraph was proposed for action in 1946, inserting after the declaration a new paragraph three as follows:

Provided, however, that any person consecrated a Bishop to minister in any Diocese or Missionary District of an autonomous Church or Province of a Church in Communion with this Church may, instead of the foregoing declaration, make the promises of Conformity required by the Church in which he is to minister.

It was also proposed to amend the paragraph regulating ordination of a priest or deacon to minister elsewhere than in this Church by inserting after the words "in this Church" the words "or confers ordination as Priest or Deacon upon a Christian minister who has not received Episcopal ordination."

CONVENTION OF 1946

The article was placed in its present form at this Convention by adoption of the amendments proposed in 1943.

At this Convention a resolution was adopted by the House of Bishops proposing that the word "autonomous" in the proviso be changed to "autocephalous"; that the words "or confers ordination as Priest or Deacon upon a Christian minister who has not received Episcopal ordination" be stricken from the next paragraph; and that the words "and made" be inserted after the word "subscribed" in the last paragraph.

The House of Deputies on motion of its Committee on Amendments did not concur.

EXPOSITION OF ARTICLE VIII

This article defines the final requisites for the ordination of a bishop, priest, and deacon.

In the ordination of a priest or deacon, there is first an examination by the bishop and two priests, with the exhibition by the person to be ordained of the testimonials and other requisites provided by the canons. Then, immediately before the ceremony of ordination takes place, the person to be ordained, whether a bishop, priest, or deacon, must sign and make the Declaration of Conformity provided in the article, in the presence of the ordaining bishop or bishops, as the case may be.

The examination required by this article is distinct and separate from the canonical examinations. These examinations are usually conducted by two or more of the examining chaplains, at which examinations the bishop may or may not be present. If he has been present at these examinations, and taken part therein, such examination satisfies the requirement of the provision contained in the article. If he has not taken part in such examinations, then he must conduct a separate examination in the presence of two priests, who shall also take part in the examination. The intent of this provision of the article is that the bishop must, by a personal examination, be satisfied of the qualifications of the person to be ordained, before he proceed to his ordination. The testimonials and other canonical requisites will be considered in our discussion of the canons in such case made and provided.

The person to be ordained, whether a bishop, priest, or deacon, must at the time of his ordination, and in the presence of the bishop

who is to ordain the deacon or priest, or in the presence of the bishops who are to ordain and consecrate the bishop-elect, make and subscribe the Declaration of Conformity set forth in this article. In this declaration, the person to be ordained or consecrated, solemnly avers his belief that the Scriptures of the Old and New Testament are the word of God, and that they contain all things necessary to salvation. He also promises to conform to the doctrine, discipline, and worship of the Church. The word "discipline" was added to the article by the Convention of 1901.

The two paragraphs added since 1922, dealing with bishops consecrated for an autonomous church or province of a church in communion with this Church, and the ordination of a priest or deacon to minister elsewhere, or the ordination of a Christian minister who has not received episcopal ordination, are plain in their provisions and require no exposition.

The last paragraph of the article provides that no clergyman ordained by a foreign bishop, or by a bishop not in communion with this Church, shall officiate as a minister of this Church until he has complied with the requirements of the canons in that case provided, and subscribed the declaration set forth in the article.

The insertion of the words "to minister in this Church" made by the Convention of 1922 permits the bishop to ordain to the diaconate or to the priesthood a minister of another body of Christians who is not to minister in this Church without requiring him to be examined by the bishop and two priests, and also without exhibiting the testimonials and other requisites of the canons as set forth in the article. Nor is he required to subscribe and make the Declaration of Conformity. The canon enacted by the Convention of 1922 to provide for such ordinations, requires, however, that the person to be thus ordained, must at the time of his ordination make and subscribe the first part of the declaration, that he believes the Holy Scriptures to be the word of God and to contain all things necessary to salvation.

There has been no amendment to the Ordinal as set forth in the Book of Common Prayer, nor was there any such amendment in the 1928 revision of the Prayer Book. Thus, the provision seems not very practical. (See Exposition of Canon 36.)

ARTICLE IX

Court of
trial of
Bishops

The General Convention may, by Canon, establish a Court for the trial of Bishops, which shall be composed of Bishops only.

For trial of
Presbyters
and Deacons

Presbyters and Deacons canonically resident in a Diocese shall be tried by a Court instituted by the Convention thereof; Presbyters and Deacons canonically resident in a Missionary District shall be tried according to Canons adopted by the Bishop and Convocation thereof, with the approval of the House of Bishops; *Provided*, that the General Convention in each case may prescribe by Canon for a change of venue.

Courts of
Review

The General Convention, in like manner, may establish or may provide for the establishment of Courts of Review of the determination of Diocesan or other trial Courts.

Composed
of Bishops

The Court for the review of the determination of the trial Court, on the trial of a Bishop, shall be composed of Bishops only.

Court of
Appeal

The General Convention, in like manner may establish an ultimate Court of Appeal, solely for the review of the determination of any Court of Review on questions of Doctrine, Faith or Worship.

Bishop to
pronounce
sentence

None but a Bishop shall pronounce sentence of admonition, or of suspension, deposition, or degradation from the Ministry, on any Bishop, Presbyter, or Deacon.

Suspension

A sentence of suspension shall specify on what terms or conditions and at what time the suspension shall cease.

CONVENTION OF 1789

This Convention enacted Article VI of that year which read as follows:

ARTICLE VI. In every *State*, the mode of trying Clergymen *shall* be instituted by the Convention of the *Church therein*. *At every trial of a Bishop there shall be one or more of the Episcopal Order present*: and none but a Bishop shall pronounce sentence of *deposition* or degradation from the Ministry on any Clergyman, whether Bishop, or Presbyter, or Deacon.

CONVENTION OF 1841

This Convention amended the article by adding two sentences at the beginning of the article:

The mode of trying Bishops shall be provided by General Convention. The court appointed for that purpose shall be composed of Bishops only.

The word "State" was changed to the word "Diocese" by the Convention of 1838, which made a like substitution wherever the word "State" occurred in the Constitution and Canons.

The same Convention also changed the words "sentence of deposition or degradation" to "sentence of admonition, suspension or degradation."

CONVENTION OF 1853

The General Convention of 1853 approved of an amendment to Article VI by adding after the words "may be instituted by the Convention of the Diocese," the words, "until the General Convention shall provide a uniform mode of trial."

CONVENTION OF 1856

This proposed amendment was not adopted by the Convention of 1856, through nonconcurrence of the laity in the House of Deputies. The same Convention, however, approved an amendment to the article in another form, substituting for the words proposed by the Convention of 1853, the words:

but the General Convention may establish a Court of Appeals for the revision of Diocesan Courts; such Courts of Appeal not to revise the determination of any question of facts.

CONVENTION OF 1859

In the Convention of 1859 this proposed amendment was defeated. We are told that it failed of adoption in the House of Deputies because the House became so involved in a discussion of some of the details of the proposed Court of Appeals, that the main question was lost sight of, and the proposed amendment was almost unanimously defeated.

CONVENTION OF 1874

In the Convention of 1874 the House of Bishops approved an amendment to Article VI as follows:

Appeal from the judgment of a Diocesan Court may be provided for by General Convention.

The House of Deputies refused concurrence therein.

A resolution passed by the Convention of the Diocese of Pittsburgh and certified to the Convention of 1874, setting forth the desirability of establishing a Court of Appeal, was referred to the Committee on Amendments to the Constitution in the House of Deputies to consider and report on the necessity and advisability of so amending the Constitution as to provide for such a court. This committee reported adversely to any proposed amendment to the Constitution on the subject.

CONVENTION OF 1883

In the Convention of 1883 a proposed amendment to Article VI, providing for a Court of Appeal was referred to the Committee on Amendments to the Constitution, and reported adversely by that committee.

Similar attempts were made in the Conventions of 1886, 1889, and 1892 to amend Article VI, but without success.

In the Convention of 1895 a proposed amendment to the article in question was referred to the next Convention.

CONVENTION OF 1901

In the revision of the Constitution by the Convention of 1901, Article VI was made Article IX, and amended to read as it stands at present, with the exception of the second paragraph which was amended in 1916. It was not without difficulty that Article IX was finally approved by the Convention of 1898. The article as reported by the Joint Commission on the Revision of the Constitution was amended by the House of Deputies and then approved. The House of Bishops rejected the article as proposed by the said commission, and approved the former Article VI. Finally, on the last day of the session, the House of Bishops reconsidered their action in the matter, and concurred with the House of Deputies in approving the article as adopted by that House.

CONVENTION OF 1916

The Convention of 1916 amended the second paragraph of the article by adding at the end thereof the following proviso:

Provided, however, that the General Convention may by Canon provide for a change in the place of trial.

This amendment was made in order to make constitutional certain

provisions of Canon 35, "Of a Minister in any Diocese or Missionary District Chargeable with Offence in Another."

CONVENTION OF 1919

As there seemed to be a serious question as to whether the amendment thus adopted was sufficient for the purpose intended, the Convention of 1919 again amended the second paragraph by substituting for the amendment made in 1916, the following:

Provided, that the General Convention in each case may provide by Canon for a change of venue.

CONVENTION OF 1925

At this Convention the House of Bishops by resolution approved the findings of the trial court affirmed by the court of review in the matter of the presentment of the Rt. Rev. William Montgomery Brown. They found that the accused was guilty of holding and teaching publicly and advisedly doctrines contrary to that held by the Protestant Episcopal Church in the United States of America. (The vote was 95 affirmative, 11 negative.)

The House of Bishops, having heard the application of Bishop Brown for the creation of an ultimate Court of Appeal, denied the application.

Bishop Brown was deposed from the sacred ministry by the Presiding Bishop in St. Paul's Church, New Orleans, on October 12, 1925. This case is fully discussed under Canon 53.

CONVENTION OF 1931

Doctor Brown presented an application to the House of Bishops for restoration to the House, or review of his deposition by an ultimate Court of Appeal, which was retained for consideration by the bishops in council, and received in the House of Deputies as information. Later, in executive session of the House of Bishops, the chair ruled that the matter was *res judicata* and thus was not a matter for the House. The ruling was approved.

CONVENTION OF 1934

On a similar application made by Doctor Brown at this Convention and referred to the Committee on Amendments to the Constitution of the House of Bishops, the committee reported as follows:

Inasmuch as the Committee considers the action taken by this House in Doctor Brown's case in 1925 as final as far as his seat in this House is concerned; and

inasmuch as the provision of a final Court of Appeal can only be accomplished by the concurrent action of both Houses of General Convention, we would ask, first, that the Secretary of the House be instructed to inform Doctor Brown of this opinion and, second, that the Committee be discharged from further consideration of the matter.

CONVENTION OF 1937

Doctor Brown again presented a memorial to the House of Bishops asking restoration which the chair ruled was not within its jurisdiction.

EXPOSITION OF ARTICLE IX

The first paragraph of the article is a restatement of the first two sentences of the former Article VI and provides that a bishop can be tried by a court composed of bishops only, which is in accord with the principle of common law that a man has the right to be tried by his peers.

The second paragraph provides that a priest or a deacon shall be tried by a court instituted by the convention of the diocese in which he is canonically resident. This provision gives to the diocese the exclusive right to institute such courts. It is a question, however, if the General Convention does not still possess the right to provide a uniform method of procedure in diocesan trial courts, something which is greatly needed.

In missionary districts, presbyters and deacons are to be tried according to the canons adopted by the bishop and convocation thereof, "with the approval of the House of Bishops." The words "with the approval of the House of Bishops" evidently mean, not that the trial shall be approved by the House of Bishops, but that the canons adopted by the bishop and convocation for that purpose must have the approval of the House of Bishops. Canon 44, Sec. 4(a), clearly bears out this construction.

The proviso, as before stated, was adopted in 1919, in order to bring the Constitution and Canon 59, Sec. 1, into harmony one with the other. The canon provides that when a minister becomes liable to presentment under the canons for offenses committed in a diocese other than his own, the ecclesiastical authority of that diocese shall give notice thereof to the ecclesiastical authority of the diocese in which he is canonically resident. Then, if the ecclesiastical authority of that diocese fails, for the space of three months, to proceed against the offending minister, or shall request the ecclesiastical authority

of the diocese in which the alleged offense was committed to proceed against him, it shall be within the power of such ecclesiastical authority to institute proceedings against him according to the mode provided by the said diocese. This provision was clearly in conflict with the former provision of Article IX that a minister *shall* be tried by a court instituted by the convention of the diocese in which he is canonically resident. As it seemed wise to retain the provision of the canon, the only thing to do was to amend the Constitution, a somewhat unusual thing when there is a conflict between the Constitution and a canon. The constitutional question is not yet, however, entirely free from doubt.

The third paragraph provides for the establishment by canon of courts of review. These courts are given power to review the determination of diocesan trial courts.

The General Convention of 1904 divided the Church into eight judicial departments and provided in Canon 29 of that year for the election of a court of review in each department, which court was vested with jurisdiction to hear and determine appeals from decisions of trial courts in the case of presbyters and deacons in the dioceses and missionary districts within the bounds of the department. Provision was made, however, that until the establishment of an ultimate court of appeal, no court of review should determine any question of doctrine, faith, or worship, a limitation not contained in present Canon 55, Sec. 5.

The fourth paragraph provides for a court of review to hear and determine appeals from trial courts on the trial of a bishop. This court is to be composed of bishops only. In the Convention of 1898, when this article was first approved, an effort was made to strike out the provision that the court of review for bishops should be composed of bishops only. Had this attempt been successful, and no court of review provided for the determination of the trial court on the trial of a bishop, the review of the decisions of such trial court could only come under the purview of the court of review established by the third paragraph, under whose provisions such courts are given power for "the determination of *Diocesan or other Trial Courts*," a court of review composed of an equal number of presbyters and laymen, and one bishop. The effort to strike out this provision was unsuccessful, but it is surprising how many votes it received.

The fifth paragraph provides for the establishment of an ultimate court of appeal to review the determination of any court of review

on questions *only* of doctrine, faith, and worship. On all other questions, the determination of the court of review was to be final. The Joint Commission on the Revision of the Canons presented a canon on such a court to the General Convention of 1904, which was referred to the Convention of 1907, and in turn referred to the Convention of 1910. That Convention referred it to a special committee to report to the next Convention. This committee reported to the Convention of 1913, recommending by a vote of eight to one, a canon "Of a Final Court of Appeal." This canon provided that the House of Bishops should compose the membership of the court. Provision was also made for a Judicial Commission to consist of five bishops, five presbyters, and five laymen, whose function should be to digest the matter of the appeal to the court, and report their findings thereon for the final decision of the House of Bishops. In spite of the fact that this proposed canon had received the almost unanimous recommendation of the committee, and had received the consideration of several committees for nearly ten years, it was defeated in the House of Deputies, and did not come to a vote in the House of Bishops. The principal objection to the canon, as manifested in the debate in the committee of the whole, was the composition of the court, making it to consist of the House of Bishops. It was argued that it would involve a large expense to bring all the bishops together to sit as a court of appeal, and take them from their duties in their own dioceses. It would not seem as if there was much force in this argument. In the first place, the necessity for the House of Bishops to meet as a court would not occur very frequently. In the first twenty years after the court of review was established in 1904, there were only three cases before that court that could possibly have been appealed to the court of appeal. Also the House of Bishops meets almost every year, beside the Convention year, in special session. With these frequent meetings of the House of Bishops, the necessity for calling the bishops together separately, as a court of appeal, would probably never occur.

Dr. Hawks, in *Constitution and Canons* (p. 56), has a very able note on the judiciary of the Church. After adverting to the mode of trying clergymen, where each diocese regulates that mode by its own rules, he says, "Uniformity in judicial proceedings is therefore wanting. But there is a greater evil than this; it is want of uniformity of interpretation. Better is it that the law should be interpreted erroneously, so that men may at least have certainty, than that it should mean to hold one thing today, and another tomorrow."

Since the publication of Dr. Hawks' book, the legislation of 1904 has established a Court of Review in each province to review the actions of the respective diocesan courts within the province, and since 1931 this jurisdiction includes also matters of doctrine, faith, and worship. This, however, does not accomplish the uniformity throughout the Church which is needed, but makes the action uniform only within the province. Under our present judicial system a provincial court of review may give a certain interpretation to some matter of doctrine, faith, or worship and that interpretation may cause the affirmance of a sentence upon a clergyman. In another province, perhaps a neighboring one, the provincial court gives a different interpretation to the same matter and the acquittal of a clergyman brought to trial therefor. The convicted clergyman knowing that a clergyman in another province is acquitted of the very same alleged offense for which he has been convicted would fain appeal to some court competent to adjust these conflicting decisions or interpretations but under our laws today there is no such court. As Dr. Hawks well says (*p.* 57), "We need two things: first, a uniform mode of proceeding in constituting Courts, and conducting trials in dioceses. Secondly, we need a Court of Appeals, with power authoritatively and finally to settle the true interpretation of constitution and canons, *ut sit finis litium*."

Several efforts to achieve this have been made. In the Convention of 1937 a new canon was proposed in the House of Deputies entitled "Of Interpretation and Declaration of Canon Law." It provided for a permanent Commission on Canon Law composed of three bishops, three presbyters, and three laymen, appointed by the Presiding Bishop by and with the advice and consent of General Convention, to hold office for terms of six years. The commission was given power of its own motion or upon the application of the ecclesiastical authority of any diocese or missionary district to hear and determine any question of canon law which in its opinion is of general importance and application. Upon publication of the determination of the commission, the same would constitute the law of this Church for all purposes, unless and until changed by constitution or canon. The proposal was referred to the Committee on Canons which reported adversely and the House approved its report.

In 1946 the Joint Commission on Holy Matrimony proposed the following as part of the canon it presented:

(iv) If all the members of the Court do not concur in its opinion the Bishop, or Ecclesiastical Authority, upon receipt thereof, may transmit the record, together

with an opinion of the Chancellor of the Diocese or Missionary District to the Commission hereinafter constituted.

(v) The Bishop or Ecclesiastical Authority in such case may in his discretion defer his judgment until receipt of the opinion of the Commission on Holy Matrimony.

(vi) There shall be a permanent Commission on Holy Matrimony of this Church appointed triennially by the Presiding Bishop by and with the advice and consent of the House of Bishops and consisting of three presbyters and two laymen, learned in the canon law, who shall hold office for three years and be eligible for re-appointment.

(vii) The Commission on Holy Matrimony, upon receipt of the record in any application as provided in subdivision (iv) hereof, shall review the same and render its opinion in writing to the Bishop or Ecclesiastical Authority.

(viii) Each opinion of the Commission on Holy Matrimony rendered under this Canon by the Commission shall be printed, omitting the names of the applicant and all parties and witnesses, and a copy sent to the Bishop or Ecclesiastical Authority of each Diocese and Missionary District.

In the amendments and substitutes for the canon proposed by the joint commission, these five subsections were dropped and were not included in the amended canon which was finally adopted.

In 1949 a resolution was presented in the House of Deputies and withdrawn by its author in the closing days. It proposed a new canon entitled "Of the Canon Law." The report of the Committee on Canons was as follows:

The Committee on Canons has considered the resolution . . . referred to it.

Being of opinion that the proposed canon correctly states the canon law and will clarify any doubt which may exist on the subject, the Committee recommends adoption of the following resolution:

Resolved, the House of Bishops concurring, that the following Canon, to be numbered . . . entitled "Of the Canon Law" be and it is hereby enacted:

The Canon Law of this Church consists not only of the Constitution and these Canons but also of the general canon law, meaning thereby such parts of the canon law in force in the Church of England on October 2, 1789, as then conformed with local circumstances save as expressly or by implication superseded by the Constitution or these Canons or by the Constitution and Canons of Dioceses and Missionary Districts not inconsistent with the Constitution and these Canons. (*Jour. Con. 1949, p. 204*)

This canon was modeled on Canon VIII proposed in the Report of the Archbishops' Commission on Canon Law which, however, provided that "any dispute or question as to the content or effect of general canon law may be referred to, and shall be conclusively determined by, the Archbishops of Canterbury and York after taking such

expert advice thereon as they may deem proper." (*The Canon Law of the Church of England—London, 1947, p. 108*)

At the Convention of 1952 Mr. McCracken of Pennsylvania presented the following proposed canon in the House of Deputies:

CANON

OF INTERPRETATION OF THE CANON LAW

Sec. 1. A permanent Commission is hereby constituted to be known as the Commission on Canon Law.

Sec. 2. The Commission shall consist of three Bishops, two Presbyters and two Laymen, communicants of this Church and learned in law, who shall be appointed by the Presiding Bishop by and with the advice and consent of the President of the House of Clerical and Lay Deputies of the General Convention. They shall hold office for terms of six years or until their successors are appointed; *provided*, however, that two members of the first Commission shall be appointed for a term of two years, two for a term of four years, and three for a term of six years. Members of the Commission shall be eligible for re-appointment.

Sec. 3. The Commission shall have power to elect a President and Secretary and to prescribe rules of practice and procedure. It shall keep permanent records of all of its proceedings.

Sec. 4. The Commission shall have power of its own motion or upon the application of the Presiding Bishop, the President of the House of Clerical and Lay Deputies, or the Ecclesiastical Authority of any Diocese or Missionary District to hear and determine any question of Canon Law which in its opinion is of general importance and application, and upon publication of the determination of the Commission the same shall constitute an interpretation of the law of this Church and a guide for all purposes unless and until changed by Constitution or Canon. In its discretion, the Commission may hear oral argument on any doubtful or disputed question.

Sec. 5. A determination of the Commission shall be deemed to have been published when a copy thereof, certified by the Secretary, shall have been delivered to the Presiding Bishop, who shall thereupon notify the Ecclesiastical Authority of each Diocese and Missionary District of the making and publication thereof.

Sec. 6. The Commission shall also have the power, upon the application of the Ecclesiastical Authority of any Diocese or Missionary District, to advise or assist such Ecclesiastical Authority in the determination of any question arising under any of the Canons, even though such determination may not, in the opinion of the Commission, be of sufficient importance, at the time, to warrant publication.

The Committee on Canons reported as follows:

The Committee on Canons reports that it has considered the new Canon proposed by Mr. McCracken, of Pennsylvania.

A majority of the Committee approves the purpose sought to be achieved by

the proposed Canon, and, after consultation with the author, proposes the following resolution;

Resolved, The House of Bishops concurring, that a new Canon be enacted to be entitled 'Of Interpretation of Canon Law' and to read as follows:

Sec. 1. A Joint Commission is hereby constituted to be known as the Commission on Canon Law.

Sec. 2. The Commission shall consist of three Bishops, who shall be appointed by the Presiding Bishop, and three Presbyters, and three Laymen, communicants of this Church and learned in law, who shall be appointed by the President of the House of Deputies of the General Convention. They shall hold office for terms of six years and until their successors shall have been appointed; *provided*, however, that one member in each order of the first Commission shall be appointed for a term of two years, one in each order for a term of four years, and one in each order for a term of six years.

Sec. 3. The Commission shall have power to elect a President and Secretary and to prescribe rules of practice and procedure. It shall keep permanent records of all of its proceedings.

Sec. 4. The Commission shall have power of its own motion or upon the application of the Presiding Bishop, the President of the House of Deputies, or the Ecclesiastical Authority of any Diocese or Missionary District to hear and determine any question of Canon Law which in its opinion is of general importance and application, and upon publication of the determination of the Commission the same shall constitute an advisory interpretation of the law of this Church.

Sec. 5. A determination of the Commission shall be deemed to have been published when a copy thereof, certified by the Secretary, shall have been delivered to the Presiding Bishop, who shall thereupon notify the Ecclesiastical Authority of each Diocese and Missionary District of the making and publication thereof.

Sec. 6. The Commission shall also have the power, upon the application of the Ecclesiastical Authority of any Diocese or Missionary District, to advise or assist such Ecclesiastical Authority in the determination of any question arising under any of the Canons, even though such determination may not, in the opinion of the Commission, be of sufficient importance, at the time to warrant publication.

A substitute offered by Mr. Garfield of Massachusetts having been defeated, the resolution proposed by the Committee on Canons was adopted on a vote by orders the result of which was as follows:

Clerical—Ayes, 48%; noes, 26%; divided, 5.

Lay—Ayes, 52%; noes, 18%; divided, 7.

The House of Bishops, its Committee on Canons so recommending, did not concur.

Comparison of the resolution submitted by Mr. McCracken and the amended resolution adopted in the House of Deputies shows that the opinions of the commission would have been purely advisory.

At present each diocesan bishop is a lawgiver and, consequently, a law unto himself. The result of this will be discussed when the marriage canons are treated (*infra*). At present the Church is in the same position in which the United States would be without a federal judiciary to enforce the supreme law of the land. We have the supreme law of the Church made quite uncertain by the power of each bishop to declare and pronounce differently upon it. Neither evenhanded justice nor dignity is so achieved.

The sixth section provides that none but a bishop may pronounce sentence of any kind upon a bishop, presbyter, or deacon. This is in accord with the most ancient usage, that only a bishop could pronounce sentence upon a minister convicted of an ecclesiastical offence. In the English Church, the Law Reports show that when a clergyman was tried in an ecclesiastical court, and convicted, the judge of the court would call in the bishop of the diocese, who took the judge's chair, and being informed of the offence, and having read the evidence, pronounced sentence.

The Constitution recognizes four kinds of ecclesiastical censure—admonition, suspension, deposition, and degradation.

In the English law, deposition means the exclusion from ecclesiastical possessions and profits, emoluments, and preferments. The benefice, in the English law, corresponds, practically, with the right of a minister to the salary and emoluments attached to a rectorship in the American Church.

In the canons of the ancient Church various terms were employed to signify removal from the ministry. Bingham (*Lib. 4, Cap. 4*) speaks of a clergyman being degraded, deprived, deposed, unordained, disordained, reduced to lay communion. All these terms mean substantially the same thing.

The subject of discipline will receive further consideration when we come to treat of the canons on discipline.

The last paragraph provides limitations on the sentence of suspension. This paragraph was introduced into the canons by the General Convention of 1847, because of the case of Bishop Onderdonk of New York, whose sentence of suspension was an indefinite one, with no terms or conditions or time when the sentence should terminate. The question arose in that diocese whether an indefinite suspension made a vacancy in the office of bishop; whether the suspension of the bishop thereof vacated the jurisdiction of the bishop. The Standing Com-

mittee of the diocese decided that Bishop Onderdonk was still the bishop of the diocese and that no other bishop could be elected in his place; and yet that there was such an entire inhibition upon the exercise of his powers that it amounted to a virtual vacancy sufficient to let in the authority of the Standing Committee for the purpose of government. The Constitution now contains the principle of a mere *quasi* vacancy in all cases of suspension.

In the English law there are four kinds of suspension. *Ab officio*, *ab beneficio*—from the two combined; and *ab ingressu ecclesiae*. The question whether a simple suspension was a suspension from both office and benefice was settled in the case of Rowland *vs.* Jones (2 *Lee's Rep.* 191). Such a sentence always means suspension *ab officio* only. Every sentence of suspension in the later English Reports is for a definite period, or on definite terms.

There is one question of much importance connected with this subject of suspension, and that relates to the salary or emoluments attached to the office of a rector, accruing during his suspension upon a sentence. Judge Hoffman (*Law of the Church*, p. 425) gives as his opinion "that a sentence of suspension, terminable on its face does not sever the connection between a Minister and his parish—does not destroy his character as its Rector, nor his right to the salary . . ." He further states that a diocesan convention may "provide that during the existence of a sentence of suspension, the Bishop may, with the consent of the suspended party, assign the profits of the cure or any part thereof for the support of a Clergyman to officiate during the period; and in case of a refusal to give such consent, may degrade the suspended party. Thus there would not be the shadow of a pretence of interference with the province of the civil tribunals to adjudicate directly upon the matter."

This opinion of Judge Hoffman is in accord with the opinions of the early canonists and would seem to be, in the main, correct.

ARTICLE X

The Book of Common Prayer and Administration of the Sacraments and other Rites and Ceremonies of the Church, together with the Psalter or Psalms of David, the Form and Manner of Making, Ordaining, and Consecrating Bishops, Priests, and Deacons, the Form of Consecration of a Church or Chapel, the Office of Institution of Ministers, and Articles of Religion, as now established or hereafter amended by the authority of this Church, shall be in use in all the Dioceses and Missionary Districts of this Church. No alteration thereof or addition thereto shall be made unless the same shall be first proposed in one triennial meeting of the General Convention and by a resolve thereof be sent within six months to the Secretary of the Convention of every Diocese and of the Convocation of every Missionary District, to be made known to the Diocesan Convention or Missionary District Convocation at its next meeting, and be adopted by the General Convention at its next succeeding triennial meeting by a majority of all Bishops, excluding retired Bishops not present, of the whole number of Bishops entitled to vote in the House of Bishops, and by a majority of the Clerical and Lay Deputies of all the Dioceses entitled to representation in the House of Deputies and all the Missionary Districts, voting by orders, each to have the vote provided for in Article I, Sec. 4. *Provided, however,* that the General Convention at any meeting shall have power to amend the Table of Lessons and all Tables and Rubrics relating to the use of the Psalms by a majority of the whole number of Bishops entitled to vote in the House of Bishops, and by a majority of the Clerical and Lay Deputies of all the Dioceses entitled to representation in the House of Deputies, and all the Missionary Districts voting by orders as previously laid down in this Article.

The Book of
Common
Prayer

Alterations
or additions,
how to be
made

How the
Tables of
Lessons may
be amended

And *Provided, further,* that nothing in this Article shall be construed as restricting the authority of the Bishops of this Church to take such order as may be permitted by the

Special
forms of
worship

Rubrics of the Book of Common Prayer or by the Canons of the General Convention for the use of special forms of worship.

CONVENTION OF 1789

In the original Constitution adopted in 1789, this article read as follows:

ARTICLE 8. A Book of Common Prayer, Administration of the Sacraments, and other Rites and Ceremonies of the Church, Articles of Religion, and a form and manner of making, ordaining, and consecrating Bishops, Priests, and Deacons, when established by this or a future General Convention, shall be used in the Protestant Episcopal Church in those *States*, which shall have adopted this Constitution.

CONVENTION OF 1811

The General Convention added these words to the article:

No alteration or addition shall be made in the Book of Common Prayer, or other offices of the Church, unless the same shall be proposed in one General Convention, and by a resolve thereof made known to the Convention of every Diocese or State, and adopted at the subsequent General Convention.

This amendment was made for the purpose of both safeguarding the Prayer Book from being hastily amended and also to provide how it might be amended. The original article made no provision for any amendment to the Prayer Book.

CONVENTION OF 1829

This Convention amended the article by the insertion of the words "or the Articles of Religion" after the words "or other offices of the Church," in the seventh line thereof.

As before noted, the word "states" was changed to "dioceses" by the Convention of 1838.

CONVENTION OF 1877

This Convention added the following proviso to the article:

Provided, however, That the General Convention shall have power, from time to time, to amend the Lectionary; but no act for this purpose shall be valid which is not voted for by a majority of the whole number of Bishops entitled to seats in the House of Bishops, and by a majority of all the Dioceses entitled to representation in the House of Deputies.

CONVENTION OF 1901

In the revision of the Constitution by this Convention, the article was

enacted substantially as it now stands, with the exception of the second provision which was added later, and amendments noted (*infra*).

CONVENTION OF 1904

This Convention amended the article by adding a second proviso, reading as follows:

and *Provided, further*, that nothing in this Article shall be construed as restricting the authority of the Bishops of this Church to take such order as may be permitted by the Rubrics of the Book of Common Prayer or by the Canons of the General Convention for the use of special forms of worship.

This amendment has sometimes been erroneously called the "Huntington amendment." Dr. Huntington endeavored to have an amendment made to Article X in several conventions somewhat on the same lines as the amendment finally adopted, but differing very materially in principle. The House of Deputies in the Convention of 1901 approved of the so-called Huntington amendment. In the House of Bishops, in the same Convention, the Bishop of Tennessee offered an amendment to the said article which was approved by that House. The two houses failing to agree on the form of the proposed amendment, a Committee of Conference was appointed which reported in favor of the amendment as proposed by the Bishop of Tennessee and already adopted by the House of Bishops. Both houses then concurred in the approval of the said amendment as recommended by the Committee of Conference.

CONVENTION OF 1907

The Convention of 1907 approved of an amendment to the article reading as follows:

And, *Provided, further*, that in editions of the Book of Common Prayer in foreign languages such verbal alterations as may be necessary to adapt the same to local conditions may be made by the authority of the Bishop of the Diocese or Missionary District in which it is used, subject to the approval of the Presiding Bishop.

The real purpose of this amendment was to permit the omission of the words "Protestant Episcopal Church in the United States of America" from the title page of the Prayer Book when printed in foreign languages, a permission desired by some of the missionary bishops because of the difficulty of making a satisfactory translation of the name of the Church into the language of certain countries. This proposed amendment was defeated in the Convention of 1910.

CONVENTION OF 1922

In the General Convention of 1922 an amendment to this article was adopted as follows: The words "and all Tables and Rubrics relating to the use of the Psalms," were inserted after the words "Tables of Lessons" in the first proviso. The object of this proposed amendment is to give power to the General Convention to amend the said tables and rubrics relating to the Psalms at a single session of the Convention, as in the case of the Table of Lessons.

CONVENTION OF 1928

A concurrent resolution was adopted at this Convention for submission in 1931, amending the second and third sentences of this article by inserting the words "and of the Convocation of every Missionary District within the boundaries of the United States of America" after the word "diocese"; and the words "or Missionary District Convocation" after the word "Convention"; and the words "and all the Missionary Districts within the boundaries of the United States" after the words "House of Deputies"; and the words "each Diocese having one vote in the Clerical Order and one vote in the Lay Order and each Missionary District having a one-fourth vote in the Clerical Order and a one-fourth vote in the Lay Order" after the word "Orders"; and substituting in the first proviso after the words "House of Deputies" the words "and all the Missionary Districts within the boundaries of the United States, voting by orders as previously laid down in this Article."

CONVENTION OF 1931

This amendment was adopted in the Convention of 1931 and gave domestic missionary districts a part in any alteration of the Prayer Book. The difference between the provision for voting under this article and Article I, Sec. 4, later amended, will be noted.

CONVENTION OF 1934

A concurrent resolution was adopted at this Convention proposing an amendment for action in 1940 by inserting after the words "all Bishops" the words "excluding retired Bishops not present."

CONVENTION OF 1937

This amendment, consistent with other provisions of the Constitution with respect to counting retired bishops not present, was ratified in 1937.

CONVENTION OF 1940

A concurrent resolution was adopted at this Convention proposing an amendment for action in 1943 by adding after the words "voting by Orders" and before the proviso the words "each to have the vote provided for in Article I, Sec. 4," and striking out the words "each Diocese having one vote in the Clerical Order and one vote in the Lay Order, and each Missionary District having a one-fourth vote in the Clerical Order and a one-fourth vote in the Lay Order."

It was further concurrently resolved to submit an amendment striking out the words "within the boundaries of the United States" in the proviso governing a change in Lessons and Psalms.

CONVENTION OF 1943

The amendments proposed in 1940 to Article X were ratified in 1943. Under "Constitution—Amendments Proposed at the General Convention of 1943, and to be finally acted upon at the Convention of 1946" is the record of adoption on two occasions in the House of Deputies of and concurrence on two occasions by the House of Bishops in a resolution amending the article by striking out the words "within the boundaries of the United States."

This Convention by concurrent resolution also proposed an amendment of the article by striking out the words "excluding retired Bishops not present."

CONVENTION OF 1946

The amendment proposed in 1943, with respect to retired bishops, having been defeated in the House of Bishops, was not presented in the House of Deputies.

The amendment of this article by striking out the words "within the boundaries of the United States of America" in lines sixteen and seventeen and the words "within the boundaries of the United States" in lines twenty-six and twenty-seven was adopted by concurrent resolution. Reference to the official copies of the Constitution shows the words had not appeared since 1940.

EXPOSITION OF ARTICLE X

The first sentence of the article prescribes that the Book of Common Prayer shall be used in all dioceses and missionary districts of this Church. This book as established by General Convention becomes the

law for every clergyman of the Church in conducting public worship. In Article VIII of the Constitution, he is required to subscribe a declaration, in part as follows: "I do solemnly engage to conform to the Doctrine, Discipline, and Worship of the Protestant Episcopal Church in the United States of America." The Prayer Book is the formula of this worship, and the rubrics being a part thereof, are equally as binding as the rest.

Previous to the revision of the Constitution in 1901, the article only required that the Prayer Book "shall be used in those *Dioceses* which shall have adopted this Constitution." Missionary districts were not included in this provision of the Constitution, and, so far as this article of the Constitution was concerned, a clergyman in a missionary district was not compelled to use the Book of Common Prayer.

The question arises, could such clergyman who omitted to use the Book of Common Prayer on occasions of public worship have been presented for trial for its non-use? If this article stood alone in its directions for the use of the Book of Common Prayer, it would seem as if he would not have been liable, but Article X must be construed in connection with Article VIII containing the declaration wherein he solemnly engages to "conform to the Worship of the Protestant Episcopal Church in the United States of America," and as before stated, the Prayer Book is the formula of worship, and failure to use this formula as prescribed would be a presentable offence. This defect in the article was cured, however, in the revision of 1901.

The next sentence provides how alterations may be made in the Book of Common Prayer. The method provided is the same as that provided for amendments to the Constitution, and will be considered in our discussion of the next article.

The first proviso provides that the Table of Lessons may be amended by a single General Convention. This amendment was due to certain dissatisfaction with the Table of Lessons as then established, and a desire for a revision thereof. It was felt, however, that if the Lectionary was to be amended, it should be amended in a tentative manner. That one reason why the then present Lectionary was felt to be unsatisfactory was that it was made at one draft. That a better Lectionary would be had by using an experimental Lectionary and then amending it in accordance with the practical experience of the Church in its use, from Convention to Convention; to accomplish this, the amendment contained in the proviso was necessary.

The amendment made by the Convention of 1922 to this first proviso, providing that all tables and rubrics relating to the use of the Psalms might also be amended by a single Convention, was made for similar reasons. There seemed to be no good reason why it should require two successive Conventions to provide how the Psalter should be read in the service of the Church, especially, as there was some dissatisfaction with the present directions as to the public reading of the Psalms.

The second and last proviso provides for special forms of worship, permitting a bishop to take such order as may be permitted by the rubrics of the Prayer Book, or by the canons of the General Convention, for forms of worship which may be adapted for the use of special forms of worship.

It may be of interest to consider the action of the several conventions, prior to the General Convention of 1789, in the matter of the Book of Common Prayer. Before the Revolution, the Prayer Book of the Church of England was, of course, the book of worship in the Church in the colonies. Judge Hoffman, remarking on the English Prayer Book, says (*Law of the Church*, p. 168) "that Book was brought to the Church of the Colonies, and there sustained the faith and awakened the devotion of our forefathers; with reverential hands it was modelled at the Revolution; and with sacred zeal has it been guarded since, and fidelity to it is the safety of the Church." On the day after the Declaration of Independence, Virginia altered the Book of Common Prayer to accommodate it to the changed condition of affairs. The alterations related almost exclusively to the prayers for rulers, and closes as follows: "Let every other sentence of the Litany be retained, without any other alteration, except the above sentences recited."

In the fundamental Articles of 1784, it was proposed that the Church should adhere to the "Liturgy of the Church of England, as far as should be consistent with the American Revolution and the constitutions of the respective states."

The Convention of 1785 adopted a "General Ecclesiastical Constitution," the fourth article of which declared "The Book of Common Prayer and Administration of the Sacraments, and other Rites and Ceremonies of the Church, according to the use of the Church of England, shall be continued to be used by this Church, as the same is altered by this Convention in a certain instrument of writing passed by their authority, entitled, 'Alterations of the Liturgy of the Protes-

tant Episcopal Church in the United States of America, in order to render the same conformable to the American Revolution and the Constitutions of the respective States.’”

In February, 1786, the letter of the archbishops and bishops of England was written to the bishops of the Church in America, in which they say, “We cannot but be extremely cautious, lest we should be the instruments of establishing an ecclesiastical system which will be called a branch of the Church of England, but afterwards may possibly appear to have departed from it essentially, either in doctrine or in discipline.”

The Convention of June, 1786 adopted an answer to the letter of the archbishops and bishops of England, which read, in part, as follows: “We are unanimous and explicit in assuring your Lordships that we neither have departed, nor propose to depart from the doctrines of your Church. We have retained the same discipline and forms of worship, as far as was consistent with our civil Constitutions; and we have made no alterations or omissions in the Book of Common Prayer but such as that consideration prescribed, and such as were calculated to remove objections, which it appeared to us more conducive to union and general content to obviate, than to dispute.” With this letter the Convention sent a copy of the proposed Book of Common Prayer, and Ecclesiastical Constitution, which Constitution, adopted at that Convention, contained the former fourth article unchanged. In the Convention of October, 1786 an “Act of the Corporation” was adopted, in which the Convention declared that

being sincerely desirous to give every satisfaction to their Lordships, which will be consistent with the union and general content of the Church which they represent, and declaring their steadfast resolution to maintain the same essential Articles of Faith and Discipline with the Church of England: Now, therefore, do hereby determine and declare,

First—That in the Creed, commonly called the Apostles’ Creed, the words “He descended into Hell,” shall be and continue a part of that Creed.

Secondly—That the Nicene Creed shall also be inserted in the said Book of Common Prayer, immediately after the Apostles’ Creed, prefaced with the Rubric (or this).

Both the Nicene Creed, and the words “He descended into Hell” in the Apostles’ Creed had been omitted in the proposed book.

Finally, in October, 1789 the Prayer Book was established by General Convention in the form in which it now stands, except for the amendments which have since been made.

ARTICLE XI

No alteration or amendment of this Constitution shall be made unless the same shall be first proposed at one triennial meeting of the General Convention and by a resolve thereof be sent to the Secretary of the Convention of every Diocese and of the Convocation of every Missionary District to be made known to the Diocesan Convention or the Missionary District Convocation at its next meeting, and be adopted by the General Convention at its next succeeding triennial meeting by a majority of all Bishops excluding retired Bishops not present, of the whole number of Bishops entitled to vote in the House of Bishops, and by a majority of the Clerical and Lay Deputies of all the Dioceses and of all the Missionary Districts entitled to representation in the House of Deputies voting by orders, each having the vote provided for in Sec. 4 of Article I.

Alterations
or
amendments
of this
Constitution

This article, as adopted by the Convention of 1789, read as follows:

This Constitution shall be unalterable, unless in General Convention, by the Church, in a majority of the *States* which may have adopted the same; and all alterations shall be first proposed in one General Convention, and made known to the several *State* Conventions, before they shall be finally agreed to, or ratified in the ensuing General Convention.

CONVENTION OF 1838

In the Convention of this year the word "States" was changed to "Dioceses," and the word "State" to "Diocesan."

CONVENTION OF 1901

This Convention amended the article to read as follows:

No alteration or amendment of this Constitution shall be made unless the same shall be first proposed at one triennial meeting of the General Convention and by a resolve thereof be sent to the Secretary of the Convention of every Diocese, to be made known to the Diocesan Convention at its next meeting, and be adopted by the General Convention at its next succeeding triennial meeting by a majority of the whole number of Bishops entitled to vote in the House of Bishops, and by a majority of the Clerical and Lay Deputies of all the Dioceses entitled to representation in the House of Deputies voting by Orders.

CONVENTION OF 1934

At this Convention a concurrent resolution was adopted proposing amendment of this article by inserting after the word "Bishops" the words "excluding retired Bishops not present."

CONVENTION OF 1937

The proposal was adopted at this Convention, which left the wording in clumsy shape since the article now reads:

... by a majority of all Bishops excluding retired Bishops not present, of the whole number of Bishops entitled to vote in the House of Bishops . . .

This Convention then adopted a concurrent resolution proposing amendment of the article to its present form, except for the words "each having the vote provided for in Section 4 of Article I," for action in 1940.

For some reason the Committee to Certify Changes certified a proposal which did not include notice to missionary convocations or a vote from deputies in missionary districts. Whether proper notice was given does not appear.

CONVENTION OF 1940

The amendment proposed in 1937 was adopted in this Convention which also proposed an amendment adding at the end the words "each having the vote provided for in Section 4 of Article 1."

This proposed amendment was finally adopted, bringing the article to its present form.

Also proposed at this Convention was an amendment for action in 1946, striking out the words "excluding retired Bishops not present."

CONVENTION OF 1946

The proposal to strike out the words "excluding retired Bishops not present" failed of adoption in the House of Bishops, so that no action was taken in the House of Deputies.

EXPOSITION OF ARTICLE XI

This article, in its original form, has been made the subject of able notes by both Judge Hoffman and the Rev. Dr. Hawks.

Judge Hoffman thus analyzes the article (*Law of the Church*, p. 173).

1. The Constitution is unalterable, except by a majority of the Churches in those Dioceses which have adopted it.

2. But the action and consent of such majority must be expressed in General Convention.

3. This is carried into effect by a proposition being suggested in one General Convention, and ratified in the succeeding one.

4. That proposition must, in the interim, be made known to the several Diocesan Conventions.

Dr. Hawks (*Constitution and Canons*, p. 51) adopts the following conclusions, which differ somewhat from those of Judge Hoffman.

1. That in all questions of constitutional or liturgical changes, the vote in the House of Clerical and Lay Deputies must be taken by Dioceses.

2. That any Diocesan Convention has a right to make known its opinion of the proposed changes in the General Convention.

3. That the assent of a Diocese to a proposed change is to be presumed in General Convention, if it is silent, or has adopted no mode of making known its dissent.

4. If a majority of the Diocesan Conventions do make known their dissent to any change, the General Convention ought not, against such expression of dissent, to alter the Constitution.

This would now include the convocations of missionary districts, complicating the question by reason of their fractional votes.

These conclusions of Dr. Hawks are supported by an extremely able argument, but in some respects that argument is based, in our opinion, on questionable premises. He argues that the article says at its close that all amendments to the Constitution must be finally agreed to or ratified *in*, not *by* the General Convention. That men agree to something that has been done by others, they ratify some act which others, not themselves, have performed, and, therefore, that action somewhere else than *in* the General Convention is presupposed. Because all alterations must first be made known to the several diocesan conventions before they can finally be adopted, he argues that such previous action must be in the several diocesan conventions. That they have a special interest in such alterations, as they made the instrument originally. He further holds that the making known to the diocesan conventions of the proposed alterations in the Constitution is not for the mere purpose of giving information, but for the purpose of inviting some action founded on such information; that the dioceses are expected to consider and to furnish that action which in the General Convention is to be finally agreed to or ratified; that it is the right of each diocese to make known in some mode to the General

Convention what the diocesan convention thinks of any proposed alteration either of the Constitution or the Book of Common Prayer; and if a majority of such diocesan conventions should make known that they disapprove, we do not think that it was designed under this article to permit the General Convention to make the alteration. It would seem to be the legitimate conclusion of his argument that a majority of the diocesan conventions, not a majority of the dioceses *in* General Convention, shall control.

Dr. Hawks' contention, that because the article requires that all amendments to the Constitution must be finally agreed to or ratified in General Convention, it, therefore, presupposes action somewhere else than in General Convention, and that somewhere else must be in the diocesan conventions, they having a special interest therein, because they originally made the Constitution, hardly seems to have been a tenable theory. In the first place, the diocesan conventions did *not* make the original Constitution. It was made by the delegates representing the Church in the several dioceses. True, they were chosen by the several diocesan conventions, but they were given full power to enact a general Constitution. In no case, except in Connecticut, and that for special reasons peculiar to that diocese, were the delegates restricted in their powers, or required to report back to the diocesan convention for the ratification of their action in the matter. New York, for instance, resolved "that the Deputies have discretionary powers with respect to any matters which may come into debate in the General Convention."

With the appointment of deputies to the General Convention, the functions of the diocesan conventions in the matter were ended. There is nothing in the present language of the article, or any fair inference therefrom, that requires the diocesan conventions to act, or that the proposed alterations are in any way made dependent upon any action they may take. The language of the article is that the *Church* in a majority of the dioceses is to make the alterations after the diocesan conventions have been notified of the proposed alterations. One of Dr. Hawks' premises that seems particularly untenable is that the diocesan conventions are the bodies represented in the General Convention and that the deputies are their representatives. There is absolutely no warrant for any such theory. It is the Church in each diocese that is represented. Wherever in the Constitution or Canons the body represented in General Convention is referred to, it is in every case the Church in the diocese that is named. It is the Church, the aggre-

gate of the clergy and laity, that is the true constituency. The diocesan convention is only the organ which chooses the deputies, who, when chosen, become the representatives of the Church in that diocese. Nowhere in the Constitution are any alterations in that instrument made dependent in any way upon the assent of the diocesan conventions. Had the framers of the Constitution intended to give diocesan conventions such power, they would have used more explicit language. As Judge Hoffman well says, they had an analogous clause in the Constitution of the United States before them, and if followed it would have removed all doubt in the matter. That clause expressly requires the consent of the legislatures of three-fourths of the states to effect any alteration of the Constitution. Had it been intended to require the consent of a certain number of diocesan conventions to effect any alteration in the Constitution of the General Convention, such consent would have been stated in the instrument itself. The power to propose the change is admittedly in the General Convention, and the power to ratify and complete the change is in the same body. The only restriction on that power is the obligation to make known the proposed change to the several diocesan conventions, before final action is taken. "This may be for the purposes of consultation, of gathering views and information, of instruction to delegates. But it cannot rob the General Body of the ultimate and exclusive power of making or rejecting the change." For illustration, suppose a diocesan convention passes a resolution of disagreement to the proposed alteration in the Constitution, and forwards such resolution to the General Convention; then suppose the deputies from that diocese vote in favor of the proposed alteration. Which vote will the General Convention accept? To ask the question is to answer it. The vote of the deputies is the only expression of opinion which the Convention can accept. "They are the actual agents of the Church in the Diocese, as a substituted attorney under a power of substitution, is the true attorney of the principal."

An amusing incident in connection with this question occurred in the House of Deputies in the General Convention of 1910. A vote by orders was being taken upon a certain question. When a diocese which had only one deputy present in the lay order was called, the lone deputy answered, "divided." Realizing that an explanation of his vote seemed to be in order, he arose and said that he had been instructed by the convention of his diocese to vote against the proposed alteration in the Constitution, but having heard the arguments

both for and against the proposed alteration, he had come to the conclusion that the convention of his diocese was wrong in its opinion, and that the proposed alteration ought to pass. His diocesan convention being of one opinion, and he of another, he had therefore voted "divided."

Unquestionably, a diocesan convention has the right to express to a General Convention its approval or disapproval of a proposed alteration to the Constitution, and to instruct its deputies to vote for or against such proposed alteration; but that such expression of opinion on the part of a diocesan convention, if communicated to the General Convention, will be accepted in opposition to the vote of the deputies is an untenable proposition.

A question arises as to the proper construction of the words "in General Convention, by the Church, in a majority of the Dioceses." Unfortunately, the proper construction of these words cannot be determined by resorting to precedents, as the practice has not been uniform in the matter. The first amendment made to the Constitution was by the Convention of 1804, and the vote seems to have been taken in the usual way and not by dioceses.

In the Convention of 1808, on the adoption of a proposed amendment to the Constitution, giving the House of Bishops an absolute negative in matters of legislation, the vote was taken by states. The Journal of the Convention records Pennsylvania as divided, the clergy voting "Aye," and the laity, "No."

In the Convention of 1811 an amendment to the Constitution was adopted by a simple resolution.

In the Convention of 1823 a proposed amendment was adopted by the votes of states, but no diocese was divided.

In the Convention of 1841 amendments were made to the Constitution by simple resolution.

In the Convention of 1844 a new article of the Constitution was adopted, and "Agreeably to Article IX of the Constitution" the vote was taken by dioceses. The vote in favor of the adoption of the amendment was unanimous.

From that time until the revision of the article by the General Convention of 1901, the method of voting on amendments to the Constitution seems to have been only by orders, and the concurrence of both orders in each diocese was not required.

In the General Convention of 1877, the Committee on Amendments to the Constitution made a report to the House of Deputies on the question as to whether a concurrent vote of the clerical and the lay deputies was necessary for the adoption of an amendment to the Constitution, presenting the following resolution (*Jour. Con. 1877, p. 90*):

Resolved, That the proper manner of voting and determining questions upon alterations of the Constitution is that presented in the second Article for a vote by Orders, but the votes in the affirmative must be a majority of the number of the Dioceses which have adopted our Constitution in each Order, and the concurrence of both Orders in each Diocese cannot be required.

This report was not acted upon by the Convention but referred to the next Convention. In the Convention of 1880, the resolution of the committee was adopted by the House of Deputies.

The Journals of the several conventions prior to 1880 show that no alteration to the Constitution, adopted by a majority of both orders in all the dioceses, had failed for the reason that the clerical and lay deputations in any one diocese did not concur.

In the General Convention of 1889 the same question was referred to the Committee on Amendments to the Constitution in the House of Deputies. The report of that committee is entitled to much consideration because of the eminent legal ability of many of the members of the committee, one of whom was a former Chief Justice of the United States Supreme Court. The committee, in its report, says:

The questions proposed to this Committee are of great importance, touching as they do the mode of voting upon Constitutional amendments by the General Convention, and your Committee have given the subject careful attention.

After consideration of what constitutes a vote in the House of Deputies under the then Article II, that only a majority vote of each order is necessary, the committee goes on to say:

In our opinion the words of Article IX, "This Constitution shall be unalterable, unless in General Convention by the Church in a majority of the Dioceses which may have adopted the same," require that in voting upon alterations in the Constitution, the Clergy and Laity in a Diocese voting affirmatively must concur in such a vote, if both Orders are represented in the Convention, and that it is not sufficient that there shall be simply a majority of the suffrages in each Order.

On amendments to the Constitution, *the Diocese must act affirmatively as a unit in both Orders*, as in no other way can it be determined that a majority of the Dioceses which have adopted the Constitution consent to a change. A simple illustration may serve to show that the adoption of any other construction would produce results contrary to what was evidently designed by the framers of the Constitution.

The Convention is composed of independent Dioceses that have adopted the Constitution, and that Constitution is declared unalterable unless in a majority of the Dioceses that may have adopted the same. Now if 53 Dioceses, numbered consecutively, voted on an Amendment to the Constitution on the plan of permitting a vote by a majority of suffrages in each Order to be sufficient, and the Clergy in the Dioceses, numbered 1 to 27 inclusive, voted aye, and all those from 28 to 53 inclusive voted no, and if the Laity from 26 to 53 inclusive voted aye, and all the rest no, there would be a majority of the suffrages in each Order favoring the amendment, and yet the Clergy and Laity in only two Dioceses, viz., 26 and 27, would have concurred voted affirmatively.

Such a result would certainly not be the vote of a majority of the Dioceses contemplated by Article IX of the Constitution.

This question so far as we have been able to discover, has not been heretofore considered, and we do not find that the action of the Convention in voting upon Constitutional Amendments has been uniform in its mode of procedure; but we believe that the mode we have suggested is the only true one, and should be invariably followed when voting upon such amendments. . . .

Your Committee is not prepared to advise that any change is needed to make clear what seems to them now to be sufficiently plain. (*Jour. Con. 1889, p. 353*)

This report was placed upon the calendar, but was not acted upon by the House.

It is hard to see how the reasoning of the committee can be disputed or its conclusions successfully controverted. And yet the House of Deputies continued to adopt amendments to the Constitution by a concurrent vote of orders, and not by dioceses as recommended by the committee. Fortunately, the question is not now a practical one, as Article XI, adopted by the Convention of 1901, no longer requires a vote by dioceses but by "a majority of the Clerical and Lay Deputies of all the Dioceses entitled to representation in the House of Deputies voting by Orders."

The former article required that all alterations, after being proposed in one General Convention, should be made known to the several diocesan conventions before they were adopted by the ensuing Convention. No particular mode was prescribed by the article as to the notification of the diocesan conventions. In the Convention of 1877 when a certain proposed amendment came up for final consideration, a deputy from the Diocese of Maryland stated that that diocese had never received notice of the constitutional amendment, although the Committee on Amendments stated that they had *prima facie* evidence of such notification. When objection to further consideration of the proposed amendment was made, a debate of some length ensued on the question as to what constituted a sufficient notification. It seemed

to be the opinion of some of the legal members of the Convention, which opinion was acquiesced in by the House, that the sending of the notice was not of the essence of the thing to be done, that it was merely to give information, and that even if the formal notice sent by the secretary of the House was not received by the diocesan convention, the Diocese of Maryland had her representatives in the Convention that approved the proposed amendment, and if they did not inform the diocesan convention of what had been transacted in General Convention, the publication of the proceedings of the Convention was sufficient notice to the diocese. It was also contended that if an officer is charged with the duty of giving notice, the presumption is that he did give notice. More than this is a collateral question and cannot be interposed for the purpose of preventing action upon the primary question. The Constitution says it shall be made known, without saying how; and if it is made known in any way, if there is a reasonable presumption that it has been made known in some way, that is sufficient. Consequently, it must be presumed that the publication of the official acts of the House is notice.

These conclusions would seem to be correct. The courts have held that publication of laws in the official volume containing the laws of the state is notice that they have been adopted. By the same reasoning, the Journal of the General Convention which contains the action of that body is notice that certain acts have been approved.

In the General Convention of 1892, the question arose in the House of Bishops as to whether a proposed amendment to the Constitution, approved by the former Convention had been notified to the several dioceses as prescribed by the canons. The canon in question prescribed that it was the duty of the secretary of the House of Deputies to give particular notice of every proposed alteration to the Constitution to the ecclesiastical authority of every diocese. This duty the said secretary had failed to perform. It was referred to the Committee on Amendments to the Constitution in the House of Bishops to consider and report as to the bearing of the requirement contained in Title III, Canon 1, Sec. 3 of the Digest, on the question of the adoption by this Convention of a proposed change in Article V of the Constitution.

The committee reported the following resolution which was adopted by the House.

Resolved, That the failure on the part of the Secretary to obey the precise directions of Title III, Canon 1, Sec. 3, ought not *in this single instance* to be allowed to invalidate the action by which the changes in Article V of the Constitution

have been adopted; because, however plain the instructions of the Canon are, it is deemed that in this case the sending of the published Journal may be allowed as a sufficient notice to meet the necessary requirements. (*Jour. Con.*, 1892, p. 47)

In the present article the law in the matter of notification has been made more definite. The secretary of the Convention is required to send to the secretary of the Convention of every diocesan convention the proposed amendment, which is to be made known to the diocesan convention at its next meeting. If the secretary of the Convention should perform his duty and send the required notice to the secretary of every diocesan convention, and one or more such officers fail to receive the notice, would such failure act to prevent action in the matter by the next succeeding Convention? We think not, under the reasoning and the principles of law as above set forth. Furthermore, if such failure to receive could so act, it would mean that the legislation of the Church would be at the mercy of the United States mail, which hardly seems to be a reasonable proposition. Nor do we think that even the failure of the secretary to send to the secretary of every diocesan convention the required notice, especially if it could be shown that notice was had by such Convention in other ways, would prevent action by the General Convention at its next session.

A proposed amendment having been approved at one triennial meeting of the General Convention can only be adopted at the next succeeding triennial meeting of the Convention. It cannot be adopted at a special meeting of the Convention held prior thereto. Amendments to the Constitution require action by two successive General Conventions. An amendment to the Constitution approved at one convention must be adopted by the succeeding convention, if adopted at all, in exactly the form and words in which it was approved by the former convention. If any further amendments are made to the proposed amendment, it becomes a new proposal and must lie over until the next succeeding convention.

In the House of Bishops, the proposed amendment must be adopted by a majority, not merely of the bishops who are present and voting, but a majority of the whole number of bishops who are entitled to vote in that House.

In the House of Deputies, the proposed amendment to the Constitution must be finally adopted by a majority of the clerical and lay deputies of all the dioceses and of all the missionary districts entitled to representation in the house, each having the vote prescribed for in Section 4 of Article I. Before the revision of the article in 1901, the

final vote on the adoption of an amendment to the Constitution, in the House of Deputies, was taken by dioceses and orders; it is now taken by orders.

Two theories regarding the American Church as a national Church have been held in the past, and each has been contended for strongly. On the one hand it was held that the state churches or dioceses which united to form the national Church in 1789 still retained a large measure of their independence. On the other hand it was held that these churches, by uniting in one body, lost their independent character, and became subject in all matters to the General Convention.

Those who supported the first theory, that the state churches or dioceses, although a part of the national Church, still retained, in large measure, their independence, based their argument largely on two propositions: first, the language of former Article XI, and second, on an assumed parallel between the nation and the Church.

Under the first proposition, it was claimed that the Constitution, having been made by the state or diocesan conventions, could only be altered or amended by diocesan conventions; that the General Convention had really no right to alter the Constitution without the given or implied consent of a majority of the diocesan conventions. We have already endeavored to show the fallacy of this argument. The only function of the diocesan conventions is to elect deputies to the General Convention; that having been performed, their functions in the matter cease. They may indeed protest to the General Convention against the adoption of a proposed amendment to the Constitution, but if such amendment is adopted by the General Convention every diocese, no matter how vigorously it may have protested against it, or even if it be not represented in the General Convention, is bound thereby. But whatever force this argument may have had, that force has been completely destroyed by the amendments made to Article XI by the Convention of 1901, which struck out the words on which that argument was based, and provided that all amendments to the Constitution "shall be adopted *by* the General Convention." As the article now reads, no one will probably question the absolute power of the General Convention to amend the Constitution.

The second proposition on which an argument has been based for the independence of the individual diocese, an assumed parallel between the nation and the Church, seems equally fallacious. When we remember, that in the days immediately after the War of the Revolution, men were busy making civil constitutions, and that many

who were engaged in molding the Constitution of the nation were at the same framing our Ecclesiastical Constitution, it is not surprising that there should be found some resemblances between them. One of the strongest resemblances between the nation and the Church is that the system in each is a representative one. In both cases, those who are to be governed by the laws made, have a voice in the election of the lawmakers. The whole Church is composed of congregations. The duly qualified voters of these congregations elect the wardens and vestrymen of a parish. These officers elect a rector of a parish when a vacancy exists. The same voters elect, in most cases, the lay delegates to the diocesan convention. These delegates, together with the clergy of the diocese who are members thereof, *virtute officii*, elect the deputies to the General Convention and also a bishop for the diocese, whenever a vacancy exists. Thus, it may be seen how thoroughly representative is the system of American Church government, as thoroughly so as in our civil government.

Another resemblance, though not quite so complete, is the system of double government: the nation has its national legislature, or congress, and each state its local legislature. So the Church has its national legislature, or General Convention, and each diocese its local legislature, or convention. Here, the resemblance ceases; for while the national legislature in both Church and state is composed of two houses, in the nation both houses are elected by the people, while in the Church, one House, the House of Bishops, is composed of members who are such, *virtute officii*, and who hold office, practically for life. Nor is there any close resemblance between the House of Deputies in General Convention and the House of Representatives in Congress.

The few resemblances between the Church and the nation sink into insignificance, however, when we compare the differences between them.

The national government derives *all* its powers by delegation from the states, or from the people through the national Constitution, and such powers only. The national Church receives none of its powers from the supposed independent dioceses. There is not a single power delegated by the Constitution of the General Convention; that instrument assumes that needed powers exist or are inherent in its Convention.

Every power rightfully exercised by the national government, every law passed by Congress, has its source and its bounds in some clause of the national Constitution. But it is impossible to find in the Ecclesiastical Constitution any provisions, or any fair inference of such pro-

visions, on which to rest the validity of the greater part of the canons enacted by General Convention. In fact, the Convention of 1789 adopted a Code of Canons *before* the Constitution was finally adopted. The truth is, that the Constitution of the General Convention is not the Constitution of the Church, nor is it a Constitution in the true sense of the word, but only a higher set of canons, made more stable and less liable to change, by requiring two conventions to alter them. The General Convention legislates in ecclesiastical matters without let or hindrance, except so far as restrained by the limitations of the Constitution.

In the Church power descends from God through the whole Church to the bishops, and, in some respects, through the bishops to the subordinate ministry. The powers of a bishop in his diocese are not only those flowing from his individual functions, but those flowing from the authority and functions of all the bishops of the national Church, through whom his individual functions are derived. "In other words, he exercises within the jurisdiction committed to him by the House of Bishops, not merely his own authority and functions, but those of the federated Bishops, of whom he is one, and of whom he is especial representative of his Diocese." This being true, then neither the bishop nor his diocese can be independent of the whole or national Church.

Since, then, the relative sources of power, as between the national government and the national Church are so widely variant, any argument for diocesan independence, based upon a supposed parallel between them, has no valid ground upon which to rest.

There can be no such thing as an independent diocese. When the several states, as they were then called, united to form a national Church, and by their accredited representatives organized a General Convention to legislate for the whole Church, they yielded their rights to enact legislation contrary to the enactments of the General Convention. They substituted a national Church for a Church in the particular state and into it they merged themselves and only retained the right to legislate on subjects reserved to them by the Constitution, or on subjects on which the General Convention has not legislated. It seems to be the better opinion that they also still retain the power to legislate upon the same subject matter in addition to the legislation of the General Convention, provided there is no repugnance between the different acts of legislation. But when the General Convention enacts a law upon a subject, not contrary to some provision of the Constitution, it becomes the supreme law for every diocese, superseding any and every diocesan law or regulation on that subject at

variance with it. The history of the legislation of General Convention since its formation shows that the Convention has again and again taken to itself powers which once belonged to the diocese, and in some cases to the individual parish. This fact demonstrates the correctness of the theory, as we have before stated, upon which the General Convention has ever acted from the beginning of its history: that it has the power to legislate on any subject unless expressly forbidden to do so by the Constitution. The General Convention not only makes the Constitution and amends it, but it interprets the Constitution. The General Convention limits its own power, and it can remove that limitation. It assumes that all power is in the General Convention which the Constitution itself does not limit. The one conclusion that follows from these facts is, that the General Convention is the ultimate seat of authority in American Church government.

Canons

Canons

AS AMENDED, ADOPTED, AND CODIFIED
IN GENERAL CONVENTION, 1943
AND SUBSEQUENTLY AMENDED

I

ORGANIZATION AND ADMINISTRATION

CANON 1

Of the General Convention

SECTION 1. (a). At the time and place appointed for the meeting of the General Convention, the Secretary of the House of Deputies, or, in his absence a Secretary *pro tempore* appointed by the President of the House or if there be none such a Secretary *pro tempore* appointed by the members from the House of Deputies on the Joint Committee of Arrangements appointed by the preceding General Convention for the next General Convention, shall call to order the members present, and record the names of those whose testimonials, in due form, shall have been presented to him, which record shall be *prima facie* evidence that the persons whose names are therein recorded are entitled to seats. If there be a quorum present, according to the record, the Secretary shall so declare, and the House shall proceed to organize by the election by ballot of a President from the members of the House, and of a Secretary; and a majority of all the votes cast shall be necessary to an election. The President, so elected, shall continue in office until the next meeting of the General Convention. As soon as a President and Secretary have been elected a committee shall

Of the
organizing of
the House
of Deputies

be appointed to wait upon the House of Bishops, and inform them of the organization of the House of Deputies, and of its readiness to proceed to business.

Testimonials
of Deputies
and Diocesan
Journals to
be sent to
the Secretary

(b). In order to aid the Secretary in preparing the record specified in Clause (a), it shall be the duty of the Secretary of the Convention of every Diocese to forward to him, as soon as may be practicable, a copy of the latest Journal of the Diocesan Convention, together with a certified copy of the testimonials of members aforesaid. He shall also forward a duplicate copy of such testimonials to the Standing Committee of the Diocese in which the General Convention is next to meet.

Secretary to
keep
minutes, etc.

(c). The Secretary shall keep full minutes of the proceedings of the House; record them, with all reports, in a book provided for that purpose; preserve the Journals and Records of the House; deliver them to the Registrar, as hereinafter provided, and perform such other duties as may be directed by the House. He may, with the approval of the House, appoint Assistant Secretaries, and the Secretary and Assistant Secretaries shall continue in office until the organization of the next General Convention, and until their successors be chosen.

Notices of
Amendments
to the Consti-
tution and of
the Book of
Common
Prayer

(d). It shall be the duty of the Secretary of the House of Deputies, whenever any alteration of the Book of Common Prayer or of the Constitution is proposed, or any other subject submitted to the consideration of the several Diocesan Conventions, to give notice thereof to the Ecclesiastical Authority of the Church in every Diocese and Missionary District, as well as to the Secretary of the Convention of every Diocese and of every Missionary District, and written evidence that the foregoing requirement has been complied with shall be presented by him to the General Convention at its next session. All such notices shall be sent by registered mail, return receipts being required. He shall notify each Secretary that it is his duty to make known such proposed alterations of the Book of Common Prayer, and of the Constitution, and such other subjects, to the Convention of his Diocese or Missionary District at its next meeting, and to certify to the Secretary of the House of Deputies that such action has been taken by him.

(e). The Secretary of the House of Deputies and the Treasurer of the General Convention shall be entitled to seats upon the floor of the House, and, with the consent of the President, they may speak on the subjects of their respective offices.

Secretary
and
Treasurer
entitled to
seats not
votes

(f). At the meetings of the House of Deputies the Rules and Orders of the previous meeting shall be in force until they are amended or repealed by the House.

Rules and
Orders of
the House
of Deputies

(g). In case of the resignation, death or total disability of the President during the recess of the General Convention, the Secretary of the House of Deputies shall perform such *ad interim* duties as may appertain to the office of President until the next meeting of the General Convention or until such disability is removed.

Secretary to
act in event
of vacancy
in office of
President

(h). If during recess a vacancy shall occur in the office of Secretary of the House of Deputies, the duties thereof shall devolve upon the First Assistant Secretary, or, if there be none such, upon a Secretary *pro tempore* appointed by the President of the House, or if the office of President be also vacant, by the members from the House of Deputies of the Joint Committee on Arrangements for the next General Convention, appointed by the preceding General Convention.

Appointment
of Secretary
in case of
vacancy dur-
ing recess

(i). At every triennial meeting of General Convention, the Secretary elected by the House of Deputies shall, by concurrent action of the two Houses of General Convention, also be made the Secretary of the General Convention, who shall have responsibility for the printing of the Journal of the General Convention, and attend to any other matters which may be referred to him.

Secretary of
House of
Deputies to
be made
Secretary of
General
Convention

SEC. 2. (a). The right of calling special meetings of the General Convention shall be vested in the Bishops. The Presiding Bishop shall issue the summons for such meetings, designating the time and place thereof, with the consent, or on the requisition, of a majority of the Bishops, expressed to him in writing.

Special
meetings

(b). The Deputies elected to the preceding General Convention shall be the Deputies at such special meetings of the General Convention, except in those cases in which

Deputies
to special
meetings

other Deputies shall have been chosen in the meantime by any of the Diocesan Conventions, and then such other Deputies shall represent in the special meeting of the General Convention the Church of the Diocese in which they have been chosen.

Vacancies,
how supplied

Provisional
Deputies

(c). Any vacancy in the representation of any Diocese caused by the death, absence or inability of any Deputy, shall be supplied either temporarily or permanently in such manner as shall be prescribed by the Diocese, or, in the absence of any such provision, by appointment by the Ecclesiastical Authority of the Diocese. During such periods as shall be stated in the certificate issued to him by the appointing power, the Provisional Deputy so appointed shall possess and shall be entitled to exercise the power and authority of the Deputy in place of whom he shall have been designated.

Registrar to
keep papers

SEC. 3. (a). The House of Deputies, upon the nomination of the House of Bishops, shall elect a Presbyter, to be known as the Registrar of the General Convention, whose duty it shall be to receive all Journals, files, papers, reports and other documents or articles that are, or shall become, the property of either House of the General Convention; to arrange, label, index, and put them in order, and to provide for the safe keeping of the same in some fire-proof, accessible place of deposit, and to hold the same under such regulations as the General Convention may, from time to time, provide.

Registrar to
keep records
of consecra-
tions

(b). It shall also be the duty of the said Registrar to procure a suitable book, and to enter therein the record of the ordinations and consecrations of all the Bishops of this Church, designating accurately the time and place of the same, with the names of the consecrating Bishops, and of others present and assisting; to have the same authenticated in the fullest manner practicable; and to take care for the similar record and authentication of all future ordinations and consecrations of Bishops in this Church. Due notice of the time and place of such ordinations and consecrations shall be given by the Presiding Bishop to the Registrar; and

thereupon it shall be his duty to attend such ordinations and consecrations, either in person or by deputy.

(c). He shall prepare, in such form as the House of Bishops shall prescribe, the Letters of Ordination and Consecration in duplicate; and he shall have the same immediately signed and sealed by the ordaining and consecrating Bishops, and by such other Bishops assisting as may be practicable; and he shall deliver to the newly consecrated Bishop one of the said Letters, and shall carefully file the other among the papers in his custody, and make a minute thereof in his book of record.

Registrar
to prepare
Letters of
Consecration

(d). The Registrar shall also be Historiographer, unless in any case the House of Bishops shall make a separate nomination; and in this event the House of Deputies shall confirm the nomination.

Histori-
ographer

(e). The necessary expenses incurred under this Section shall be paid by the Treasurer of the General Convention.

Expenses of
Registrar

(f). It shall be the duty of the Secretaries of both Houses, within six months after the adjournment of the General Convention, to deliver to the Registrar the manuscript minutes of the proceedings of both Houses, together with the Journals, files, papers, reports, and all other documents of either House. The manuscript minutes of both Houses shall remain filed until after the adjournment of the Second Convention following that at which such minutes shall have been taken; *Provided, however*, that any part of such minutes, for any reason unpublished in the Journal, shall remain filed in the Archives. The Secretary of the House of Deputies shall also deliver to the Registrar, when not otherwise expressly directed, all the Journals, files, papers, reports, and other documents specified in Canon 5. The Secretaries shall require the Registrar to give them receipts for the Journals and other papers delivered to him.

Journals and
papers to be
delivered to
Registrar

(g). In the case of a vacancy in the office of Registrar, the Presiding Bishop shall appoint a Registrar, who shall hold office until the next General Convention.

Appointment
of Registrar
in case of
vacancy
during recess

SEC. 4. (a). The House of Deputies, upon nomination of the House of Bishops, shall elect a Recorder (who may be a

Recorder,
duties of

natural person or an incorporated organization of this Church), whose duty it shall be to continue the List of Ordinations and to keep a list of the Clergy in regular standing.

Information
to be sent to
Recorder

(b). It shall be the duty of the Bishop, or, if there be no Bishop, of the President of the Standing Committee or Council of Advice of every Diocese and Missionary District and the Convocation of American Churches in Europe, to forward to the Recorder on or before the first day of March in each and every year a report certifying the following information as of the thirty-first day of December in the preceding year: (1) the names of the Clergy canonically resident therein with their several charges; (2) the names of the Clergy licensed by the Bishop to officiate, but not yet transferred; (3) the names of all persons connected with the Diocese, District or Convocation who have been ordered Deacons or Priests during the preceding twelve months, with the date and place of ordination and the name of the Bishop ordaining; (4) the names of the Clergy of the Diocese, District or Convocation who have died during the preceding twelve months, with the date and place of death; (5) the names of the Clergy who have been received during the preceding twelve months, with the date of their reception and the name of the Diocese, District or Convocation from which received, and, in the case of Clergy not received from a Diocese, District or Convocation of this Church, the date and place of ordination and the name of the Bishop ordaining; (6) the names of the Clergy who have been transferred during the preceding twelve months, with the dates of the Letters Dimissory and of their acceptance, and the name of the Diocese, District, or Convocation to which transferred; (7) the names of the Clergy who have been suspended during the preceding twelve months, with the date and ground of suspension; (8) the names of the Clergy who have been deprived or deposed during the preceding twelve months, with the date, place, and ground of deprivation or deposition; (9) the names of the Clergy who have been restored during the preceding twelve months, with the date; (10) the names of Deaconesses canonically resident therein.

(c). It shall be the duty of the Recorder to furnish, upon proper authority and at the expense of the applicant, such information as may be in the possession of the Recorder based upon the reports required under Clause (b) hereof, but in no case shall the Recorder publish or furnish for publication the grounds of any suspension, deprivation or deposition.

Recorder
to furnish
information

Exceptions

(d). The Recorder shall prepare and present to each session of the General Convention a list of all Clergy ordained, received, suspended, deprived, deposed, or restored, and of all Bishops consecrated, and of all Clergy and Bishops who have died, such list to cover the period from the last preceding similar report of the Recorder through the thirty-first day of December immediately preceding each session of the General Convention.

Report of
Recorder to
the General
Convention

(e). The necessary expenses incurred under this Section by the Recorder, shall be paid by the Treasurer of the General Convention.

Expenses of
Recorder

(f). In case of a vacancy in the office of Recorder, the Presiding Bishop shall appoint a Recorder, who shall hold office until the next General Convention.

Vacancy to
be filled by
Presiding
Bishop

SEC. 5. (a). At every triennial meeting of the General Convention a Treasurer shall be elected by concurrent action of the two Houses, and shall remain in office until a successor shall be elected. It shall be his duty to receive and disburse all moneys collected under the authority of the Convention, and of which the collection and disbursement shall not otherwise be prescribed; and, with the advice and approval of the Presiding Bishop and the Treasurer of the National Council, to invest, from time to time, such surplus funds as he may have on hand. His account shall be rendered triennially to the Convention, and shall be audited by a committee acting under its authority.

Treasurer,
his duties

(b). In case of a vacancy, by death, resignation, or otherwise, in the office of Treasurer of the General Convention, the Presiding Bishop and the President of the House of Deputies shall appoint a Treasurer, who shall hold office until a successor is elected. In case of temporary inability of the Treasurer to act, from illness or other cause, the same

Vacancy,
how filled

officials shall appoint an Acting Treasurer who shall perform all duties of the Treasurer until the Treasurer is able to resume them.

Assessment
for expenses
of General
Convention
and
Presiding
Bishop

SEC. 6. In order that the contingent expenses of the General Convention, and the stipend of the Presiding Bishop, together with the necessary expenses of his office, and Church Pension Fund assessments, may be defrayed, it shall be the duty of the several Diocesan Conventions and of the Convocations of the several Missionary Districts to forward to the Treasurer of the General Convention annually, on the first Monday of January, as to each Diocese not more than twenty-two dollars for each Bishop having jurisdiction therein, any Bishop Coadjutor, and each Suffragan Bishop in active service therein, and each retired Bishop and each Presbyter and Deacon canonically resident therein, and as to each Missionary District an amount equal to one-quarter of the above described Diocesan levy for each Bishop having jurisdiction therein, any Bishop Coadjutor, and each Suffragan Bishop in active service therein, and each retired Bishop and each Presbyter and Deacon canonically resident therein. The number of Bishops, Presbyters, and Deacons canonically resident in each Diocese and Missionary District, as reported to the House of Deputies and recorded in the Journal of the General Convention last preceding, shall be the basis upon which such assessment shall be made. The amount of such assessment shall be determined by the Committee on Expenses. A new Diocese not recorded in the last Journal shall furnish to the Treasurer, prior to the first day of November, a report of the number of Bishops, Presbyters, and Deacons for which such Diocese is subject to assessment, which shall be the same as in its report to the House of Deputies.

Treasurer
may borrow

SEC. 7. The Treasurer of the General Convention shall have authority to borrow, in behalf and in the name of the General Convention, with the approval of the Presiding Bishop, such a sum, not exceeding twenty-five thousand dollars per annum, as in his judgment may be necessary to help defray the expenses of the General Convention; *Pro-*

vided, that the total amount of the indebtedness authorized in this Section shall at no time exceed fifty thousand dollars.

SEC. 8. The Treasurer shall give a bond conditioned on the faithful performance of his duties. The amount thereof and the terms on which the same shall be given shall be subject to the approval of the Presiding Bishop, the expense of such bond to be paid by the General Convention.

Shall give
bond

SEC. 9. The Treasurer shall submit to the General Convention at each regular meeting thereof a detailed budget for which he proposes to request appropriations for the ensuing triennium. He shall have power to expend all sums of money covered by this budget, subject to such provisions of the Canons as shall be applicable.

Shall sub-
mit budget

SEC. 10. The Treasurer may appoint, subject to the approval of the Presiding Bishop, an Assistant Treasurer, who shall hold office during the pleasure of the Treasurer and shall perform such duties as shall be assigned to him by the Treasurer. He shall give a bond conditioned on the faithful performance of his duties. The amount thereof and the terms on which the same shall be given shall be subject to the approval of the Presiding Bishop, the expense of such bond to be paid by the General Convention.

May appoint
Assistant
Treasurer

Bond
required

This canon was numbered 51 and remained so numbered until 1943.

Sections 1 (e), 1 (f), 2 (a), 2 (b), 2 (c), 3 (a), 3 (b), 3 (c), 3 (d), 3 (e), 3 (g), 4 (e), 4 (f), remain unamended since the original edition of this book.

CONVENTION OF 1789

While the Convention of 1789 incorporated most of the legislation relating to the General Convention in the first two articles of the Constitution, it also provided for a list of the ministers of the Church to be kept by the secretary of the General Convention, by the following canon, the sixteenth canon of that year:

The Secretary of the General Convention shall keep a register of all the Clergy of this Church, whose names shall be delivered to him, in the following manner; that is to say, every Bishop of this Church, or, where there is no Bishop, the Standing Committee of the diocese or district, shall, at the time of every General Convention, deliver, or cause to be delivered, to the secretary, a list of the names of

all the ministers of this Church in their proper diocese, or district, annexing the names of their respective cures, or of their stations in any colleges or seminaries of learning, or, in regard to those who have not any cures or such stations, their places of residence only. And the said list shall from time to time, be published in the Journals of the General Convention.

And further, it is recommended to the several Bishops of this Church, and to the several Standing Committees, that, during the intervals between the meetings of the General Convention, they take such means of notifying the admission of ministers among them, as in their discretion respectively, they shall think effectual to the purpose of preventing ignorant and unwary people from being imposed on, by persons pretending to be authorized ministers of this Church.

CONVENTION OF 1808

The first article of the Constitution enacted in 1789, provided for special meetings of the General Convention, "in a manner hereafter to be provided." It was not until nearly twenty years later that this "manner" of calling special meetings of the Convention was provided by canon, although by resolution the power to call such meetings had been conferred on the Presiding Bishop. The Canon of 1808, providing the mode of calling special meetings of the General Convention, was as follows:

The right of calling special meetings of the General Convention shall be in the Bishops. This right shall be exercised by the Presiding Bishop, or, in case of his death, by the bishop, who, according to the rules of the House of Bishops, is to preside at the next General Convention; provided that the summons shall be with the consent, or on the requisition of a majority of the bishops, expressed to him in writing.

The place of holding any special convention shall be that fixed upon by the preceding General Convention for the meeting of the next General Convention, unless circumstances, to be judged of by the bishops, shall render a meeting at such place unsafe; in which case the bishops shall appoint some other place.

In the revision of the canons by the Convention of 1808, the sixteenth Canon of 1789, relating to the list of ministers to be kept by the secretary of the House of Deputies, was re-enacted as the forty-first canon of that year, and without change.

The same Convention also enacted a canon providing for the transmission of all matters submitted by the General Convention for the consideration of the diocesan convention, as Canon 44, which read as follows:

It shall be the duty of the secretary of the General Convention, whenever any alteration of the Constitution is proposed, or any other subject submitted to the

consideration of the several state or diocesan conventions, to give a particular notice thereof to the ecclesiastical authority of this Church in every state or diocese.

As to the purpose of this notice, reference may be had to the exposition of the last article of the Constitution.

CONVENTION OF 1832

In the revision of the canons by the Convention of 1832, the forty-first Canon of 1808 was re-enacted without amendment as Canon 48.

Canon 42 of 1808, providing for the calling of special meetings of the Convention, was made Sections 1 and 2 of Canon 49, and the second paragraph, now Section 2, was amended by striking out the words "to be judged of by the Bishops"; also, the words "in which case the Bishops shall appoint some other place," at the end of the paragraph, were stricken out, and these words inserted in place thereof: "in which case the presiding Bishop may appoint some other place."

A new section was added, which read as follows:

Sec. 3. The deputies elected to the preceding General Convention shall be the deputies at such special convention, unless in those cases in which other deputies shall be chosen in the meantime by any of the Diocesan Conventions, and then such other deputies shall represent, in the special convention, the Church of the Diocese in which they have been chosen.

Only one Special Convention has ever been held, and that in 1821, to consider matters of great importance to the General Theological Seminary. While all the officers of the preceding Convention were present at this Special Convention, none of them acted under the former appointment, but all were re-elected by the Special Convention.

Canon 44 of 1808, providing the mode for the transmission of matters to be submitted to the several diocesan conventions, was renumbered Canon 50, and amended by striking out the words "General Convention" in the first and second lines, and inserting in place thereof the following: "House of Clerical and Lay Deputies."

This change was necessary as there was no such officer as "Secretary of General Convention"; each house having its own secretary.

The same Convention enacted a new canon, Canon 54, Of Defraying the Expenses of the General Convention, which read as follows:

In order that the contingent expenses of the General Convention may be defrayed, it shall be the duty of the several Diocesan Conventions to forward to the Secretary of the House of Clerical and Lay Deputies, at each meeting of said Convention, seventy-five cents for each Clergyman within said Diocese.

CONVENTION OF 1835

This Convention amended the Canon 54 of 1832 by striking out all of said canon following the words "Clerical and Lay Deputies" in the fifth line, and inserting in place thereof the following:

at each annual meetings of said Conventions, fifty cents per annum for each Clergyman within the respective dioceses.

CONVENTION OF 1838

The canon was again amended by this Convention by striking out all after the word "forward" in the fourth line, and adding in place thereof the following:

to the treasurer of this Convention, at or before any meetings of the General Convention, seventy-five cents for each Clergyman within said Diocese.

This amendment provided that the assessments on each clergyman should be forwarded by the several diocesan conventions to the treasurer of the Convention, instead of to the secretary of the House of Deputies. A singular mistake, however, was made by the amendment, in restoring the rate of the former assessment. We are told that it was the intention of the Convention to make the rate of assessment seventy-five cents per annum, but the words "per annum" were unintentionally omitted.

CONVENTION OF 1841

This Convention enacted a canon providing for the election of a treasurer of the General Convention, being the first canon of that year, and reading as follows:

At every Triennial Meeting of the General Convention, a Treasurer shall be chosen, who shall remain in office until the next stated Convention, and until a successor be appointed. It shall be his duty to receive and disburse all moneys collected under the authority of the Convention, and of which the collection and distribution shall not otherwise be regulated: and to invest from time to time, for the benefit of the Convention such surplus funds as he may have on hand. His accounts shall be rendered triennially to the Convention, and shall be examined by a Committee acting under its authority. In case of a vacancy in the office of Treasurer, it shall be supplied by an appointment to be made by the Ecclesiastical Authority of the Diocese to which he belonged; and the person so appointed, shall continue to act until an appointment is made by the Convention.

CONVENTION OF 1844

This Convention corrected the unintentional mistake made by the Convention of 1838 in fixing the rate of assessment for General Con-

vention expenses, by amending the canon striking out the words "seventy-five cents" and inserting in place thereof the words, "one dollar."

CONVENTION OF 1853

This Convention provided by canon for a new officer of the General Convention to be known as the "Registrar of the General Convention."

The canon providing therefor was the fourth canon of that year as follows:

Section 1. The Journals, files, papers, reports, and other documents, which, under the Canon "Of securing an Accurate View of the State of the Church," or in any other manner, shall become the property of either House of the General Convention of this Church, shall be committed to the keeping of a presbyter, to be elected by the House of Clerical and Lay Deputies upon nomination by the House of Bishops, who shall be known as the Registrar of the General Convention.

Sec. 2. It shall be the duty of the said Registrar to procure all such journals, files, papers, reports, and other documents now in existence; to arrange, label, file, index, and otherwise put in order and provide for the safe keeping of the same, and of all such others as may hereafter come into his possession, in fireproof box or boxes, in some safe and accessible place of deposit; and to hold the same under such regulations and restrictions as the General Convention may from time to time provide.

Sec. 3. It shall be the duty of the said Registrar to procure a proper and sufficient book of record, and to enter therein a record of the Consecrations of all the Bishops of this Church, designating accurately the time and place of the same, with the names of the consecrating Bishops and of others present and assisting; to have the same authenticated in the fullest manner now practicable; and to take care for the similar record and authentication of all future Consecrations in this Church.

Sec. 4. The expenses necessary for the purposes contemplated by this Canon, shall be provided for by vote of the General Convention, and defrayed by the Treasurer of the same.

The same Convention also amended the former Canon on Defraying the Expenses of the General Convention (*Canon 54, of 1832*), by striking out all after the word "Conventions," and inserting in place thereof, the following:

at or before any meeting of the General Convention, one dollar and one-half for each Clergyman within said Diocese.

The expenses of the General Convention having increased, it was found necessary to increase the assessment for each clergyman from one dollar to one dollar and one-half.

CONVENTION OF 1856

This Convention also amended the Canon on Expenses of the Convention (*Canon 54, of 1832*), by striking out all after the words "General Conventions," and inserting in place thereof the following:

on or before September first preceding the sessions of the General Convention, two dollars for each Clergyman within said Diocese.

CONVENTION OF 1859

In the revision of the Digest of Canons by the Convention of 1859, the several canons of the preceding Conventions relating to the General Convention were combined into one canon, Title III, Canon 1.

Canon 49 of 1832, relating to the calling of Special Conventions, with the amendments made by succeeding Conventions, was made Section 1 of this canon. Canon 4 of 1853, creating the office of registrar, and providing his duties, was made Section 2 with a slight amendment. In place of the words "under the Canon," were substituted the words "under Canon 15 of Title I, entitled."

Canon 50 of 1832, providing for notice of amendments to the Constitution and other like matters to be submitted to the diocesan conventions, was made Section 3 with the following amendments: The words "state or" were omitted before the word "diocesan" in the fifth and seventh lines thereof.

Canon 1 of 1841, providing for the election of a treasurer of the Convention, and prescribing his duties, was made Section 4.

Canon 54 of 1832, providing for the expenses of the General Convention, was made Section 5, and amended as follows:

The amendment of 1856 fixing the time when the several diocesan conventions should forward to the treasurer of the convention the assessments for General Convention expenses as

on or before September first preceding the sessions of the General Convention

was stricken out and the words of a former canon

on or before any meeting of the General Convention

inserted instead.

Canon 48 of 1832, directing the secretary of the House of Deputies to keep a register of all the clergy, was made a separate canon, Title I, Canon 14.

CONVENTION OF 1868

With the increase in the size of the General Convention and the length of the sessions, the expenses of the Convention necessarily increased, and it was found that the assessment of two dollars per clergyman was insufficient to meet its expenses. The Convention of 1868, therefore, amended Title III, Canon 1, Section 5, by striking out the word "two" in the next to the last line, and inserting in place thereof the word "three."

CONVENTION OF 1871

This Convention amended the canon by adding at the end of Section 2, the following:

by securing in person, or by deputy, at the time and place of every such consecration, the signatures of at least three of the consecrating Bishops in the said book of record.

This amendment was a most wise one, to insure the authentication of all future consecrations of bishops.

CONVENTION OF 1874

The Convention of 1874 amended the first section of Title III, Canon 1, by adding a new clause thereto numbered (4) and reading as follows:

(4) The Rules and Orders of the House of Deputies shall be in force in the ensuing General Convention, until the organization thereof, and until they be amended or repealed by the said House.

This amendment was adopted in order to provide that when the House of Deputies met it should have some rules to govern its proceedings. Considerable time was spent by the Convention of this year in establishing rules to govern the conduct of its business; to avoid this in the future, the amendment to the canon was adopted providing that the rules of the former Convention should be the rules of each succeeding Convention until amended or repealed.

CONVENTION OF 1877

This Convention amended Section 2, clause (3), of the canon by striking out all after the word "Consecration" in the third from the last line, and inserting in place thereof the following:

a certificate signed by the Bishop presiding, and by two or more of the Bishops assisting in the said Consecration, which certificate shall be entered in the said book of record under the attestation of a Notary Public, and also placed on file.

This amendment was made to make more authentic the record of every consecration of a bishop. Instead of the registrar's simply procuring the signatures of at least three of the consecrating bishops, the registrar must now require the bishop presiding at the consecration, and at least two other of the assisting bishops to sign Letters of Ordination. (*Canon 1, Sec. 3. (c)*)

CONVENTION OF 1880

This Convention amended Title III, Canon 1, Section 2, relating to the General Convention as follows:

Clause (i) was amended to read:

Sec. 2. (i.) The journals, files, papers, reports, and other documents, which are named under Canon 17 of Title I, entitled, *Of Securing an Accurate View of the State of the Church*, together with all other articles that are now, or shall hereafter become, the property of either House of the General Convention of this Church, shall be committed, when not otherwise expressly provided for, to the keeping of a Presbyter to be elected by the House of Clerical and Lay Deputies, upon nomination of the House of Bishops, who shall be known as the Registrar of the General Convention.

Clause (3) of the same section was amended by striking out all of said clause after the words "Consecrations in this Church" in the tenth and eleventh lines, and inserting in place thereof the following:

Due notice of the time and place of every such Consecration shall be given by the Presiding Bishop to the Registrar; and thereupon it shall be the duty of the Registrar to attend such Consecration, either in person or by deputy. He shall prepare, in such form as the House of Bishops shall prescribe, duplicate originals of the Letters of Consecration; and he shall procure the same to be immediately signed and sealed by the Consecrating Bishop, and by at least two of the Bishops assisting at such Consecration; and one of the said duplicate originals said Registrar shall deliver to the newly consecrated Bishop; and the other he shall carefully file among the papers in his custody; and he shall enter a minute thereof in his record.

The purpose of this amendment was to secure more complete authentication of the consecration of a bishop. The Presiding Bishop must give notice to the registrar of the time and place of the consecration of a bishop in order that he may attend either personally or by deputy. The House of Bishops was to provide a form of Letters of Consecration to be signed in duplicate by the consecrating bishop and by at least two other bishops assisting in the consecration. One of the said duplicate letters was to be given to the newly consecrated bishop, the other to be filed by the registrar.

It seems strange that for nearly one hundred years, the bishops of the American Church had no written evidence of the fact of their consecration.

CONVENTION OF 1895

This Convention made a slight amendment to Title III, Canon 1, Section 2 (i), by striking out the words "Canon 17 of Title I" in the second and third lines, and inserting in place thereof the following: "Title I, Canon 20."

CONVENTION OF 1904

In the revision of the Digest of Canons by the Convention of 1904, Title III, Canon 1, was made Canon 46, and very materially amended. Section 1 was enacted substantially as it stands at present.

The first three clauses, and clause (c) were new matter. Clause (d) is Section 3 of the former canon, amended so as to require that evidence must be presented to the General Convention at its next session, that notice of any proposed alteration in the Constitution, or other subjects submitted to the consideration of the several dioceses, has been sent as required by canon.

Clause (a) is the same as clause (iv) of former Section 1, with a slight change in the phraseology thereof.

Section 2, relating to Special Convention, is the same as Section 2 of the former Canon 51, with an amendment to be noted later, and embraces the subject matter of Section 1 of the earlier canon. In the former canon it was provided that the place of holding the Special Convention should be the same place as fixed upon by the preceding General Convention for the meeting of the next Convention. This constituted clause (ii) of Section 1, of the former canon. This clause was stricken out, and a provision was inserted in clause (i) that the Presiding Bishop, with the consent of a majority of the bishops, should designate the time and place of the meeting.

Clause (ii) is the same as clause 6, Section 2 of the present canon, and with only a slight verbal change from Section 1 (iii) of the former canon.

Section 3 of Canon 46 of 1904 is the same as Section 3 of the present canon except for an amendment made by the Convention of 1913, to be noted later, and contains the subject matter of former Title III, Canon 1, Section 2. The Convention of 1904 amended this section by adding thereto two new clauses, clause (v) providing that the secretaries of both houses shall deliver to the registrar, within six months

after the adjournment of the General Convention, the manuscript minutes of the proceedings of both houses, together with all other documents of either house. The secretary of the House of Deputies is also to deliver to the registrar all the documents specified in Canon 5, "Of the Mode of Securing an Accurate View of the State of the Church."

Clause (vi) provides that in case of a vacancy in the office of registrar, the Presiding Bishop shall fill the vacancy until the next General Convention.

Section 4 of the Canon of 1904 is the same as Section 5 of the present canon, except for a slight amendment to be noted later, and the same as Section 4 of the former canon, except that the last sentence thereof, relating to the filling of a vacancy in the office of treasurer, was stricken out, and a new sentence added reading as follows:

In case of a vacancy in the office, the Presiding Bishop and the last President of the House of Deputies shall appoint a Treasurer, who shall hold office until another appointment be made by the Convention.

Section 5 of the Canon of 1904 is the same as Section 6 of the present canon, except for an amendment made by the Convention of 1907, to be noted later, and the same as Section 5 of the former canon with this amendment. In place of the words,

at or before any meeting of the General Convention, three dollars for each Clergyman within such Diocese,

were inserted the words:

on the first Monday in September immediately preceding the meeting of the General Convention, three dollars for each Bishop, Presbyter, and Deacon canonically resident in such Diocese at the date of the annual Convention or Council last preceding.

CONVENTION OF 1907

The Convention of 1907 amended Canon 46, Section 2 by the addition of a new clause thereto, numbered (iii) as follows:

(iii.) Any vacancy in the representation of any Diocese caused by the death, absence, or inability of any Deputy shall be supplied either temporarily or permanently in such manner as shall be prescribed by the Diocese, or, in the absence of any such provision, by appointment by the Ecclesiastical Authority of the Diocese. During such periods as shall be stated in the certificate issued to him by the appointing power, the provisional deputy so appointed shall possess and shall be entitled to exercise the power and authority of the Deputy in place of whom he shall have been designated.

The same Convention also made the following amendment to Section 5:

The words, "at the date of the annual Convention or Council last preceding" at the end of said section were stricken out and in place thereof the following words were inserted:

as recorded in the Journal of the General Convention last preceding. A new Diocese not recorded in the last Journal must furnish the Treasurer prior to the first of September as above stated, a list of Bishops, Priests, and Deacons canonically resident in such Diocese, and said list must be the same as furnished in their report to the House of Deputies.

CONVENTION OF 1910

The Convention of 1910 renumbered Canon 46 as Canon 47 and amended the same by the addition of a new Section 4, as follows:

Sec. 4. (i) The House of Deputies, upon nomination of the House of Bishops, shall elect a Presbyter, to be known as the Recorder, whose duty it shall be to continue the list of Ordinations and keep a list of the Clergy in regular standing, corrected to the first day of September, in each year, and furnish a certified copy of the same to any applicant at his expense.

(ii) The necessary expenses incurred under this Section by the Recorder, shall be paid by the Treasurer of the General Convention.

(iii) In case of a vacancy in the office of Recorder, the Presiding Bishop shall appoint a Recorder who shall hold office until the next General Convention.

CONVENTION OF 1913

Canon 47, then renumbered as Canon 48, was amended by this Convention by the insertion of a new clause (ii) in Section 1 to read as follows:

(ii) It shall be the duty of the Secretary of every Diocese, Missionary District and the Convocation of American Churches in Europe, to forward to the Recorder on or before the first day of September in each and every year a report giving (1) the names of the Clergy canonically resident therein on the fifteenth day of June in that year with their several charges, etc.; (2) the names of the Clergy licensed by the Bishop to officiate, but not yet transferred; (3) the names of all persons connected with the Diocese, District or Convocation who have been ordered Deacons or Priests during the preceding year, with the date and place of ordination and the name of the Bishop ordaining; (4) the names of the Clergy of the Diocese, District or Convocation, who have died during the year, with the date and place of death; (5) the names of the Clergy who have been received during the year, with the date of their reception and the name of the Diocese, District or Convocation from which received, and, in the case of Clergy not received from a Diocese, District or Convocation of this Church, the date and place of ordination

and the name of the Bishop ordaining; (6) the names of the Clergy who have been transferred during the year, with the dates of the Letters Dimissory and of their acceptance, and the name of the Diocese, District or Convocation to which transferred; (7) the names of the Clergy who have been suspended during the year, with the date and ground of suspension; (8) the names of the Clergy who have been deposed during the year, with the date, place and ground of deposition; (9) the names of Deaconesses canonically resident on the fifteenth day of June in that year. The Recorder shall not give out for publication the grounds of suspension and deposition.

The same Convention also amended clause (ii), now made clause (iii), by striking out the words "the preceding clause" in line two, and inserting in place thereof "clause (i)."

Section 3 of the canon was also amended by the insertion of a new clause (iv) to read as follows:

(iv) The Registrar shall also be the Historiographer, unless in any case the House of Bishops shall make a separate nomination; and in this event the House of Deputies shall confirm the nomination.

Although there seems to be no report in the Journal of 1916 of any action taken by either house transferring clause (ii) of Section 1 to Section 4 as clause (ii) of that section, the Digest of the Canons of 1916, as well as the Digests of 1919 and 1922, places this clause relating to the data and statistics to be sent to the recorder, as Section 4 (ii).

CONVENTION OF 1922

This Convention amended Section 1 of the canon by striking out clause (iv) and inserting a new clause (iv), to read as follows:

(iv) It shall be the duty of the Secretary of the House of Deputies, whenever any alteration of the Book of Common Prayer or of the Constitution is proposed, or any other subject submitted to the consideration of the several Diocesan Conventions, to give notice thereof to the Ecclesiastical Authority of the Church in every Diocese and Missionary District, as well as to the Secretary of the Convention of every Diocese, and written evidence that the foregoing requirement has been complied with shall be presented by him to the General Convention at its next Session. All such notices shall be sent by registered mail, return receipts being required. He shall notify each Diocesan Secretary that it is his duty to make known such proposed alterations of the Book of Common Prayer, and of the Constitution, and such other subjects, to the Convention of his Diocese at its next meeting, and to certify to the Secretary of the House of Deputies, that such action has been taken by him.

This amendment was enacted in order to make more certain that the several dioceses be notified of any proposed changes in the Prayer

Book or in the Constitution, and also that more certain evidence may be had that each diocese has received such notice. The former canon only required the secretary of the House of Deputies to give notice to the ecclesiastical authority of each diocese and missionary district of such proposed alterations; the canon as amended required the secretary to give such notice to the secretary of each diocesan convention as well as to the ecclesiastical authority. He must also notify each diocesan secretary that it is his duty to make known the proposed alterations to the convention of his diocese at the first annual meeting thereof after the meeting of the General Convention at which the said alterations were adopted, and that he must certify to said secretary that such action was taken by him. The notices must be sent by registered mail, and return receipts are required. This amended clause is a great improvement over the former one, and if its provisions are complied with, there ought not to be any question as to whether a diocese has received notice of a proposed alteration; a question which has arisen in several General Conventions.

CONVENTION OF 1925

This Convention amended certain sections of the canon as follows:

Section 3, (vi) by inserting the following sentence: "The manuscript minutes of both houses shall remain filed until after the adjournment of the second Convention following that at which such minutes shall have been taken; provided, however, that any part of such minutes for any reason unpublished in the Journal, shall remain filed in the Archives."

Section 4, (i) by striking out "a Presbyter to be known as the" so that it shall read "shall elect a Recorder."

Section 6 by substituting "five" for "three" and "shall" for "must."

By adding a new Section 7 authorizing the treasurer of General Convention to borrow money to help defray expenses of the Convention.

By adding a new Section 8 in the words of the present Section 8 providing for bonding of the treasurer.

By adding a new Section 9 in the words of the present Section 9 providing for submission of a detailed budget by the treasurer at each General Convention.

CONVENTION OF 1928

This Convention amended Section 6 by inserting the words "not more than" before the word "five" and by adding the words "The amount of such assessment shall be determined by the Committee on Expenses." It also added a new Section 10 providing for the appointment of an assistant treasurer and that he be bonded in the words of the present Section 10.

CONVENTION OF 1943

In the rearrangement adopted at this Convention, this canon was re-numbered Canon 1.

The following alterations were made in the text as published in 1940:

Sec. 1. Insert "and of every Missionary District" after "Diocese"; strike out "Diocesan" before "Secretary," and insert "or Missionary District" after "Diocese," to conform the section to Article X and XI of the Constitution.

Sec. 4. Strike out the words "at his expense" and substitute the words "at the expense of the applicant."

Sec. 6. Insert the word "authorized" between the word "indebtedness" and the words "in this section."

This Convention also amended Section 4 to read as at present except that in clause (b) the report to the recorder was to be sent prior to the first day of September certifying information as of the thirtieth day of June.

The effect of this amendment was to make it the duty of the bishop, instead of the secretary, to report, fix the date of the report and the date as of which information was to be furnished; the period covered in the report was made the preceding twelve months, clergy deprived and restored were added to the report, and it was made the duty of the recorder to furnish information on request and to prepare and present a clergy list to each Convention.

This Convention also amended Section 6 to read as at present, except that instead of the words "canonically resident in each Diocese and Missionary District" it read "listed by each Diocese and Missionary District."

CONVENTION OF 1946

This Convention amended the canon as follows:

Section 1 (a) by striking out the second sentence "If there be a

quorum . . . necessary to an election" and inserting two sentences to read as at present.

Section 1 (c) by striking out the last sentence "If during the recess, etc." and adding two new clauses, (g) and (h), reading as at present (except for the changes made in 1952 in clause (g)) to cover a vacancy between Conventions in the offices of president or secretary of the House of Deputies.

As enacted by the Convention of 1946 clause (g) read as follows:
(g) If during the recess of the General Convention a vacancy shall occur, by death, resignation or otherwise, in the office of President of the House of Deputies, the Secretary of the House shall perform such *ad interim* duties as may appertain to the office of President until the next meeting of the General Convention.

Section 5, governing the election of a treasurer, was amended to read as at present.

CONVENTION OF 1952

The report of the Joint Committee to Study Structure and Organization of General Convention (*Jour. Con.*, 1952, p. 355) having been presented in the House of Deputies and referred to the Committee on Canons, and that committee having reported adversely, a resolution, presented by the joint committee, amending Canon 1, Section 1 by reducing the number of lay deputies from a diocese to three was referred to the joint committee to be considered with associated matters during the next triennium.

As the joint committee had been discontinued by action of the House of Bishops, this matter was referred to the Joint Standing Committee on Committees and Commissions.

At this Convention, Section 1, clause (g), was amended to read as at present, clarifying the language of the clause as adopted in 1946. (*Jour.*, p. 152)

Also, at this Convention the present clause (i) of Section 1 was added, making the secretary elected by the House of Deputies the Secretary of the General Convention and giving him the responsibility for the printing of the Journal of the General Convention. (*Jour.*, p. 153)

This seems to be the first actual provision for a secretary of the entire General Convention, as opposed to the secretaries of the two houses respectively, although the canon enacted in 1808 stated certain duties for him, which canon had to be corrected in 1832 because no such office had been created.

At this Convention, Section 6 was amended by changing the words "not more than eight dollars" to read "not more than twenty-two dollars."

Section 7 was amended by changing the words "not exceeding five thousand dollars per annum" to read "not exceeding twenty-five thousand dollars per annum."

EXPOSITION OF CANON I

The first section provides for the organization of the House of Deputies. The House is called to order by the secretary or, in his absence, by a secretary *pro tempore* appointed by the president or if there be none by a secretary *pro tempore* appointed by the members of the Joint Committee on Arrangements.

The secretary calls the roll of deputies from the certified copies of testimonials of such deputies. If there be a quorum present by the record, the House then proceeds to the election of a president. To constitute a quorum, there must be present at least one deputy in the clerical order from a majority of the dioceses and districts entitled to representation and likewise at least one deputy in the lay order from a majority of said dioceses and districts. It would not seem, reasoning from analogy, that a majority of the dioceses and districts must be represented in each order to make a quorum. It is not a majority of the dioceses and districts that is required, but a majority of the dioceses and districts represented in the clerical order, and a majority of the dioceses and districts represented in the lay order, even though they be not in every case the same dioceses and districts.

The president so elected continues in office until the next meeting of the General Convention and, inasmuch as it is expressly provided that the Convention be called to order by a secretary, it is fair to assume he goes out of office when the gavel falls.

The election of a president is followed by the election of a secretary who may appoint assistant secretaries with the approval of the House.

The next step is appointment of a committee to wait upon the House of Bishops and inform it of the organization and readiness of the House of Deputies to proceed.

The House of Bishops has a rule of order making it the duty of its secretary, as soon as that House is organized, to communicate that fact to the House of Deputies, and that it is ready to proceed to business.

The rules of order of the previous Convention are made the rules of order for the succeeding meeting of the House of Deputies until they are amended or repealed.

It is made the duty of the secretary of the House of Deputies, whenever any amendment to the Prayer Book or the Constitution is proposed by concurrent action of both houses, or any other subject submitted to the consideration of the several diocesan conventions, to give notice of such proposal to the ecclesiastical authority of each diocese and missionary district and to lay before the Convention at its next session evidence that this requirement has been complied with.

In the Convention of 1877 the question arose as to whether the requirement had been complied with regarding a proposed amendment to the Constitution approved at the preceding Convention, and the debate on that question occupied nearly the whole of one day's session. It was stated that the secretary of the diocesan convention of Maryland had never received any notice of the proposed amendment. It was contended that the objection to the consideration of the proposed amendment to the Constitution was a mere technical one, that the said proposed amendment had been printed in the *Journal of the Convention of Maryland*, and that it was ridiculous to say that the Diocese of Maryland had not received notice thereof; that that which is not of the essence of the thing to be done is considered as merely directory, and whether it is done or not does not invalidate the proposed action. The House took this view of the matter and proceeded to the consideration of the proposed amendment.

It has been decided by the House of Deputies that the failure of the secretary to send the required notice to the ecclesiastical authority of a diocese was not, of itself, sufficient reason to prevent action on a proposed constitutional amendment.

The right of calling special meetings of the General Convention is vested in the bishops. They are called by the Presiding Bishop with the consent or on the requisition of a majority of the bishops expressed to him in writing. The deputies to the preceding Convention shall be the deputies to the Special Convention, unless other deputies have been chosen therefor by any of the diocesan conventions. Provision is made for the filling of vacancies in the representation from a diocese, such vacancies to be supplied either temporarily or permanently in such manner as such diocese shall prescribe, and if the diocese shall not have so prescribed, then the ecclesiastical authority shall have

power to fill the vacancy. The provisional deputy so appointed shall be entitled to exercise the power and authority of a regular deputy for such periods as are stated in the certificate issued to him by the appointing power. From the language of the provision it would seem as if the provisional deputy might be appointed to serve as deputy for any portion of the session, and that at the termination of the time for which he was appointed, the regular deputy could take his place. The late secretary of the House of Deputies, Rev. Dr. Hutchings, ruled in a case that came before him, where he had received a certificate from the secretary of a diocesan convention stating that Mr. A., elected deputy from that diocese, having signified to the bishop his inability to attend the General Convention during the first week of its session, Mr. B., the first supplemental deputy, had been designated to take the place of Mr. A. until the arrival of Mr. A., that he could not receive such a certificate, as he had never known the House of Deputies to vary from the following custom, viz.: "when an alternate once has taken his seat, the principal cannot regain it."

It would seem more in accord with the language of Section 2 (c) to hold that a provisional deputy may be appointed for a specific time at the end of which the deputy, in whose place he was appointed, resumes the exercise of his office.

To meet the contingent expenses of Convention and the stipend of the Presiding Bishop, necessary expenses of his office and pension assessments, it is made the duty of the several diocesan conventions to forward to the treasurer annually, on the first Monday of January not more than twenty-two dollars for each bishop, presbyter, and deacon canonically resident therein.

The convocations of missionary districts are assessed one quarter of this diocesan levy.

Section 1 (i) of this canon, added at the 1952 Convention, makes compulsory the election of a secretary of General Convention. In effect, it makes the secretary of the House of Deputies *ex officio* secretary of the entire Convention. This seems to be a necessary clarification of the organization of the Convention. For many years, what is now Canon 66, Section 4, has required the certification of canonical and constitutional changes "to the Secretary, who shall publish them in the Journal." In practice this has been considered to be the secretary of the House of Deputies, but now there can be no question as to the meaning of the word "secretary" in Canon 66.

CANON 2

Of the Presiding Bishop

SECTION 1. Before a Presiding Bishop is elected a Joint Nominating Committee consisting of eight Bishops (one from each Province) together with four clerical and four lay members of the House of Deputies (one member from each Province) shall present to the House of Bishops the names of three members thereof for its consideration in the choice of a Presiding Bishop.

Nominating
Committee

SEC. 2. The Presiding Bishop, when elected according to the provisions of Article I., Section 3, of the Constitution, shall hold office until the fifteenth day of November succeeding the General Convention which follows his attainment of the age of sixty-eight years or which occurs in the calendar year in which he attains that age. Except that when a Presiding Bishop has been elected by the House of Bishops to fill a vacancy, as provided for in the second paragraph of Article I., Section 3, of the Constitution, the Presiding Bishop elected by the next General Convention shall take office immediately.

Term of
Office

SEC. 3. (a). Upon the expiration of the term of office of the Presiding Bishop, the Bishop who is elected to succeed him shall tender to the House of Bishops his resignation of his previous jurisdiction, to take effect upon the date of his assuming the office of Presiding Bishop, or not later than six months thereafter.

To resign
previous
jurisdiction

(b). Such resignation shall be acted upon immediately by the House of Bishops.

SEC. 4. The Presiding Bishop shall preside over meetings of the House of Bishops, and shall take order for the consecration of Bishops, when duly elected. He shall also perform all other duties prescribed for him by other Canons of the General Convention.

Duties

Stipend

SEC. 5. The stipend of the Presiding Bishop and his necessary expenses shall be fixed by the General Convention and shall be provided for in the budget to be submitted by the Treasurer, as provided in the Canon entitled, "Of the General Convention."

If Presiding
Bishop is
disabled

SEC. 6. In the event of the disability of the Presiding Bishop, the Bishop who, according to the Rules of the House of Bishops, becomes its Presiding Officer, shall be substituted for the Presiding Bishop for all the purposes of these Canons, except the Canons entitled, "Of The Domestic and Foreign Missionary Society," and "Of the National Council."

Retiring
allowance

SEC. 7. At the expiration of his term of office the Presiding Bishop, and any other Bishop who shall have held the office of Presiding Bishop, shall receive a retiring allowance of five thousand dollars per year, less whatever retiring allowance they may receive from The Church Pension Fund.

At the time of the first edition of this book, there were two canons which must be considered in tracing the development of the office of Presiding Bishop. These were Canon 17, Of the Presiding Bishop, and Canon 61, Of the Presiding Bishop and the National Council.

Canon 17 was enacted in 1919 to carry out the provisions of Article I, Section 3, of the Constitution, which was amended in that year to provide for the election of the Presiding Bishop.

One of the provisions of the amended article is that the term and tenure of office and duties of the Presiding Bishop are to be prescribed by canon.

At the same Convention, the then Canon 60, Of the Presiding Bishop and Council, was adopted.

Passing to Canon 17, Of the Presiding Bishop, as the direct ancestor of the present canon (1924 *ed.* p. 399), we find that in 1925 it read as follows:

Sec. 1. The Presiding Bishop, when elected, according to the provisions of Article I, Section 3, of the Constitution, shall hold office for a term of six years.

Sec. 2. The Presiding Bishop shall preside over meetings of the House of Bishops, and shall take order for the consecration of Bishops when duly elected. He shall also perform all other duties prescribed for him by other Canons of the General Convention.

Sec. 3. The stipend of the Presiding Bishop and his necessary expenses shall be provided for in the budget approved by the General Convention.

At the outset, the Constitution required the Presiding Bishop to retain his diocese, a provision justly and prophetically criticized by Dr. White (*p.* 401), and later amended.

The special committee appointed in the House of Deputies to prepare a canon on the subject of the Presiding Bishop, reported a canon which provided that the Presiding Bishop should "hold office until the close of the General Convention following the sixty-eighth anniversary of his birth." The committee in its report stated, that the age of sixty-eight was chosen because at that age his pension would be automatically provided for, but if an earlier age for resignation was chosen, special provision would be necessary. The House of Deputies amended the proposed canon by making the term of office six years instead of until he was sixty-eight. Section 2 prescribed the duties of the Presiding Bishop. First, he is to preside over the meetings of the House of Bishops. The present rules of the House of Bishops provide for the election of a vice-chairman who shall preside in the absence of the Presiding Bishop or at his request. Prior to 1901 the Presiding Bishop was designated by the rules of the House of Bishops, which provided that the senior bishop, in point of consecration, should be the Presiding Bishop of the House of Bishops. In the revisions of the Constitution completed by the General Convention of 1901, the essence of this rule was incorporated into the Constitution, and his style and status was changed from Presiding Bishop of the House of Bishops, to the Presiding Bishop of the Church.

Another of his duties is to take order for the consecration of bishops when duly elected. This same duty devolves upon the Presiding Bishop under Canon 29, Section 1 (b).

Besides the duties named, the canon provides that he shall perform all other duties prescribed by other canons of the General Convention.

Section 3 prescribed that the stipend of the Presiding Bishop as well as his necessary expenses shall be provided for in a budget approved by the General Convention.

CONVENTION OF 1922

This Convention amended Section 2 of the canon by striking out the words:

and he shall be the executive head of all departments of the Church's work, including those of Missions and Church Extension, of Religious Education and of Christian Social Service.

in the fourth, fifth, and sixth and seventh lines thereof.

The duties herein specified as belonging to the Presiding Bishop, were also made the duties of the president of the National Council by Canon 61, and therefore, the two canons seemed to be in conflict. When the Presiding Bishop should be elected in accordance with the Constitution, then these duties would then belong to the Presiding Bishop as president of the council, but the Presiding Bishop was not an elected officer, and Canon 61 provided that until he is so elected, a Presiding Bishop shall be elected by the General Convention to be the president of the council and to be the executive head of all departments of the Church's work. In order to prevent any possible conflict of authority between the Presiding Bishop and the bishop elected to be president of the council, it was thought best to strike out the provision in Canon 17 making the Presiding Bishop the executive head of certain departments of the Church's work.

CONVENTION OF 1928

This Convention amended the canon by adopting a new Section 1 as follows:

Sec. 1. Before a Presiding Bishop is elected, a joint Nominating Committee consisting of eight Bishops (one from each Province) together with four clerical and four lay members of the House of Deputies (one member from each Province) shall present to the House of Bishops the names of three members thereof for its consideration in the choice of a Presiding Bishop.

CONVENTION OF 1931

At this Convention the House of Bishops named the president of each province or in his absence the senior bishop of the province, and the members of the joint nominating committee from the House of Deputies were named by its president.

This Convention also amended Section 2 of the canon to read:

The Presiding Bishop . . . shall hold office for a term of six years, dating from the first day of January, succeeding the General Convention, at which he is elected. Except that when a Presiding Bishop has been elected by the House of Bishops to fill a vacancy, as provided for in the second paragraph of Article I, Section 3, of the Constitution, the Presiding Bishop elected by the next General Convention shall take office immediately.

CONVENTION OF 1934

This Convention amended Section 4 to read:

The stipend of the Presiding Bishop and his necessary expenses shall be fixed by

General Convention and shall be provided for in the budget to be submitted by the Treasurer as provided in the Canon, entitled "Of the General Convention."

CONVENTION OF 1937

The first sentence of Section 2 was amended to read:

The Presiding Bishop . . . shall hold office until the first day of January succeeding the General Convention which follows his attainment of the age of sixty-eight years.

CONVENTION OF 1940

At this Convention the canon was renumbered Canon 18.

Section 8 of former Canon 18, Of the Duties of Bishops, which was renumbered Canon 19, was transferred to this canon as Section 6. It read:

In the event of the disability of the Presiding Bishop, the Bishop who, according to the Rules of the House of Bishops, becomes its Presiding Officer, shall be substituted for the Presiding Bishop for all the purposes of these Canons, except the Canons entitled "Of the Domestic and Foreign Missionary Society" and "Of the National Council."

CONVENTION OF 1943

In the rearrangement of this year the canon became Canon 2.

Section 2 was amended to provide for retirement at the age of sixty-eight.

Section 3 was amended to read:

Sec. 3 (a). Upon the expiration of the term of the Presiding Bishop, the Bishop who is elected to succeed him shall tender to the House of Bishops his resignation of his previous jurisdiction, to take effect upon the date of his assuming the office of Presiding Bishop, or not later than six months thereafter.

(b) Such resignation shall be acted upon immediately by the House of Bishops.

A new section was added as follows:

Sec. 7. At the expiration of his term of office the Presiding Bishop, and any other Bishop who shall have held the office of Presiding Bishop, shall receive a retirement allowance of five thousand dollars per year, less whatever retiring allowance they may receive from the Church Pension Fund.

CONVENTION OF 1946

At this Convention, Section 2 was amended to read:

Sec. 2. The Presiding Bishop . . . shall hold office until the first day of January succeeding the General Convention which follows his attainment of the age of

sixty-eight years or which occurs in the calendar year in which he attains that age. . . .

CONVENTION OF 1952

At this Convention Canon 2, Sec. 2, was amended by changing the words "first day of January" to "fifteenth day of November."

The purpose and effect of this amendment was to begin the term of the Presiding Bishop early enough for him to preside at the first meeting of the National Council following his election.

EXPOSITION OF CANON 2

The Constitution, in providing for the election of the Presiding Bishop, creates the office.

The history of legislation on the subject of a Presiding Bishop has been repeated in this edition (*supra*), where we find that in the revision of the Constitution in 1901 a new Section 3 was added, designating the senior bishop of the Church in order of consecration as Presiding Bishop. The development of the amendment making the office elective is then told.

The office of Presiding Bishop is a constitutional office, the tenure and duties of which are prescribed by canons of General Convention, and he has no duties or powers save as so prescribed. These are summed up in Section 4. He presides over meetings of the House of Bishops, takes order for the consecration of bishops, and performs "all other duties prescribed for him by other canons of the General Convention." In other words, he has no traditional or common law duties or powers such as may reside in a diocesan. The duties prescribed by other canons will be treated under each of them.

CANON 3

Of The Domestic and Foreign Missionary Society

Constitution

The Constitution of the said Society, which was incorporated by an act of the Legislature of the State of New York, as from time to time amended, is hereby amended and established so as to read as follows:

Constitution of The Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States of America as established in 1820, and since amended at various times.

ARTICLE I. This organization shall be called The Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States of America, and shall be considered as comprehending all persons who are members of the Church. Name

ARTICLE II. The National Council, as constituted by Canon, shall be its Board of Directors, and shall adopt By-laws for its government not inconsistent with the Constitution and Canons. Board of Directors

ARTICLE III. The officers of the Society shall be a President, a Vice President, a Secretary, a Treasurer and such Assistant Secretaries and Assistant Treasurers as may be appointed in accordance with the Canons or By-laws. The Presiding Bishop of the Church shall be the President of the Society; the Vice President shall be the person who is the Vice President of the National Council, and shall have such powers and shall perform such duties as may be assigned to him by the By-laws. The Treasurer of the Society shall be elected by the General Convention, and shall hold office for three years and until his successor shall be elected and qualified. In the event of a vacancy in the office of Treasurer through death, resignation or disability, the Directors of The Domestic and Foreign Missionary Society shall appoint a Treasurer to fill such vacancy until the General Convention shall elect a Treasurer. The Secretary shall be the person who is the Secretary of the National Council. The other officers of the Society shall be such as are provided for by the By-laws thereof. The tenure of office, compensation, powers and duties of the officers of the Society shall be such as are prescribed by the Canons and by the By-laws of the Society not inconsistent therewith. Officers

President

Vice President

Treasurer

Secretary

ARTICLE IV. This Constitution of the Society may be altered or amended at any time by the General Convention of the Church. Amendment

This canon was numbered Canon 60 in the canons as they stood in 1925, and remained unamended until 1931.

The society was incorporated by chapter 331 of the Laws of 1846

as amended by chapter 226 of the Laws of 1880 of the State of New York under which power is given to adopt and amend a constitution. This canon and its predecessors embody its constitution.

CONVENTION OF 1808

As early as 1808 the subject of domestic missions was considered in General Convention, when a committee appointed to address the Church at large on certain matters was "authorized and desired to consider and determine on the proper mode of sending a Bishop in said States and Territories," meaning thereby those states and territories in which the Church was not yet organized.

CONVENTION OF 1811

The committee above reported to the Convention of 1811 that "not having any reasonable prospect of accomplishing the object contemplated in the fourth resolution, of sending a Bishop into those States and Territories which have not acceded to the Constitution of the Protestant Episcopal Church in the United States of America, did not proceed to elect a person to said office, or to take any measures in that business."

The Convention adopted the following resolution:

Resolved, That the Bishops in Pennsylvania and Virginia be requested to devise means for supplying the congregations of this Church west of the Allegheny mountains with the ministrations and worship of the same, and for organizing the Church in the Western States, anything in the 37th Canon to the contrary notwithstanding.

This canon referred to was the Canon 37 of 1808, which forbade a congregation in one diocese to unite with any other diocese.

CONVENTION OF 1814

In this Convention, the Bishop of Pennsylvania, one of the bishops referred to in the foregoing resolution, reported to the House of Bishops that all progress in the matter referred to in the said resolution had been arrested by the death of the Bishop of Virginia, although he had received the consent of the convention of his diocese that, in the event of the settlement of a bishop in the western country, the congregation in the western counties of the state might be placed under his superintendence.

CONVENTION OF 1817

The Bishop of Pennsylvania reported to the House of Bishops in this Convention that he had received several petitions from congregations and Episcopalians residing in the western country, asking leave to form a convention, and to be placed, provisionally, under the care of the Bishop of Pennsylvania.

The House of Bishops recommended that the congregations in the several states west of the Allegheny mountains organize a convention in each state, but refused to authorize a convention comprising several states.

The House of Bishops also passed a resolution earnestly recommending that the authorities of the Church in each state adopt measures for sending missionaries to the destitute brethren in the western states.

This Convention also enacted a canon limiting the operation of the second and the thirty-seventh canons by providing that when a bishop should be consecrated for any state or states west of the Allegheny mountains, that it should be lawful for the Episcopal congregations in Pennsylvania and Virginia west of said mountains to place themselves, with the consent of the bishops of those states respectively, under the provisionary superintendence of the bishop referred to first.

CONVENTION OF 1820

This Convention took the first real step toward promoting the cause of missions by establishing "The Protestant Episcopal Missionary Society in the United States for Foreign and Domestic Missions," and adopting a Constitution for such Society.

As this Constitution was so imperfect that no action could be taken under it, and as it was repealed by the special convention held in the following year, it hardly seems necessary to set it forth at length.

CONVENTION OF 1821

The Presiding Bishop reported to the House of Bishops in this special convention that, "owing, as he supposes, to the state in which the business of that body (the General Convention) was concluded, neither were the intended managers constitutionally chosen, nor had any Bishop a right to a seat or a vote at their board: although, doubtless, the contrary was supposed to have been provided for by the Convention generally.

"The intended managers perceived these defects, and have not carried the design into effect. They have reported their proceedings to the house of clerical and lay deputies, and the presiding Bishop judges it to be sufficient to refer this house to their report."

In order to remedy these defects in the former Constitution of the Society, and also to improve it, it was repealed and a new Constitution adopted to read as follows:

ARTICLE I. This institution shall be denominated *The Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States of America*.

ARTICLE II. It shall be composed of the Bishops of the Protestant Episcopal Church, and of the members of the House of Clerical and Lay Deputies of the General Convention of said Church, for the time being; and of such other persons, as shall contribute, by subscription, three dollars or more, annually to the objects of the institution, during the continuance of such contributions; and of such as shall contribute at once thirty dollars, which contribution shall constitute them members for life.

Members who pay fifty dollars, on subscribing, shall be denominated patrons of the society.

It shall be the privilege of the subscribers to designate, on their subscriptions, to which of the objects, domestic or foreign, they desire their contributions to be applied. If no specifications be made, the board of directors, may apply them to either, or both, at their discretion.

ARTICLE III. The society shall meet triennially, at the place in which the General Convention shall hold its session. The time of meeting shall be on the first day of the session, at five o'clock P. M.

A sermon shall be preached, and a collection made in aid of the funds of the society, at such time, during the session of the Convention, as may be determined at the annual meeting; the preacher to be appointed by the House of Bishops.

ARTICLE IV. The presiding Bishop of this church shall be the president of the society; the other Bishops, according to seniority, vice-presidents. There shall be two secretaries, and twenty-four directors, who shall be chosen by ballot, at each meeting.

ARTICLE V. The directors, together with the president, and vice-presidents, and patrons of the society—who shall *ex-officio*, be directors—shall compose a body to be denominated the Board of Directors of the Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States of America. They shall meet annually in the city of Philadelphia, except in the year of the meeting of the General Convention, when they shall assemble at the place of the meeting thereof. *Nine* members of the board of directors shall be necessary to constitute a quorum to do business.

The meeting of the board of directors shall always be opened with using a form of prayer to be set forth by the House of Bishops for that purpose, or one or more suitable prayers selected from the liturgy.

ARTICLE VI. At the annual meetings, all missionary stations, appointments of missionaries, and appropriations of money, and all by-laws necessary for their own government, and for conducting the affairs of the missions, shall be made; provided, that all appointments of missionaries shall be made with the approbation of the Bishops present. Special meetings may be called by the president, or by one of the vice-presidents, as often as may be necessary to carry into effect, the resolutions adopted at the annual meetings of the board; at which special meetings, *seven* members, including the president or one of the vice-presidents, shall be a quorum to transact business.

The board of directors, whether at their annual or special meetings, may appoint such committees as may be necessary or useful.

ARTICLE VII. There shall be annually appointed a treasurer and two members of the society, who together shall be termed trustees of the permanent fund.

The treasurer shall receive all contributions which shall be made to the society, and enter them in detail, distinguishing between what may be contributed for domestic, and what for foreign purposes, if any such distinction should be made; and present a statement of his accounts annually, or oftener, if required, to the board of directors. He shall not pay monies unless on an order from the board, signed by the president, or in his absence, by the senior vice-president, who may attend the meeting, when such order is given.

Twenty per cent of all monies, which shall be contributed, to carry into effect the objects of the institution, shall be vested by the trustees, in their own name, as officers of the society, in some safe and productive stock, to constitute a permanent fund. The residue of the contributions, with the interest arising from the permanent fund, shall be appropriated to the objects, for which the society was formed.

ARTICLE VIII. The board of directors, at their annual meetings, shall take such measures as they deem proper, to establish auxiliary societies in any diocese, with the advice and consent of the Bishop of the same; to secure patronage, and to enlarge the funds of the institution. The Bishop of every diocese shall be president of the auxiliary societies organized within it.

ARTICLE IX. In any Diocese where there is a Bishop or an ecclesiastical body duly constituted under the authority of the convention of the same for missionary purposes, aid may be given in money; but the appointment of the missionary shall rest with the Bishop or ecclesiastical body aforesaid. He shall act under their direction; and shall render to them a report of his proceedings, copies of which shall be forwarded to this society.

ARTICLE X. The board of directors shall, at every meeting of the society, present a detailed report of their proceedings; which if approved and adopted by the society, shall, on the next day be presented by their president, to the General Convention, as the report of the society.

ARTICLE XI. The present convention shall elect, by ballot, the twenty-four directors and two secretaries, provided for, by the 4th Article, to act till the first stated meeting of the society; and the first meeting of the board of directors shall take place at Philadelphia, on the third Wednesday in November instant.

ARTICLE XII. It is recommended to every member of this society, to pray to Almighty God, for his blessings upon its designs under the full conviction, that

unless he direct us in all our doings, with his most gracious favor, and further us, with his continual help, we cannot reasonably hope, either to procure suitable persons to act as missionaries, or expect that their endeavors will be successful.

Because the former Constitution was incomplete, and practically no action was taken under it, the missionary work of the Church has been considered as having had its real beginning at the Convention of 1821.

CONVENTION OF 1823

This Convention amended the Constitution of the Missionary Society in several particulars, most of them not being important. The most important amendment made was to Article VI, providing for the filling of vacancies among the missionaries.

Under the provisions of the former article, the appointment of missionaries and the fixing of new missionary stations could only be made at an annual meeting. It was soon found that this requirement greatly hampered the work of the board of directors. If an appointed missionary declined his appointment, no one could be appointed in his place for a whole year. The article was amended to give the power of appointment to the board at a special meeting thereof, also, the fixing of a new missionary station might be made at such special meeting, provided that power had been conferred on them at the preceding annual meeting.

A new article was added to the Constitution, to be numbered XII; the former Article XII to be numbered XIII, and to read as follows:

ARTICLE XII. Alterations of the Constitution may be proposed either by the Society or by the General Convention, at their respective triennial meetings, but no proposed alterations shall be adopted, unless by concurrent vote of the two bodies.

Until this amendment was made, there was no provision for any amendments to be made to the Constitution.

CONVENTION OF 1826

The Standing Committee on the Domestic and Foreign Missionary Society in the House of Deputies reported to that House in this Convention that "nearly \$2,000.00 had been subscribed for a mission to the western coast of Africa, and other considerable sums for establishing missions in other parts of the world," and offered the following resolution, which was adopted by the House:

Resolved, That the Board of Directors of the Domestic and Foreign Missionary Society be requested to establish, and as soon as possible occupy, a missionary

station at Liberia, the American colony on the western coast of Africa, and also at Buenos Aires, or its vicinity, in South America.

This was the first step taken towards the establishment of foreign mission stations of the American Church.

CONVENTION OF 1829

This Convention amended Article II of the Constitution so as to provide that members of the House of Deputies should no longer be constituted as members of the Society, and instead of members who paid fifty dollars being constituted patrons of the Society, clergymen who paid fifty dollars, and other persons who paid one hundred dollars, at one time, were to be denominated as patrons, and be counted as honorary members of the board of directors. Subscribers were no longer restricted to either domestic or foreign missions in making their contributions, but might designate any other missionary object to which they desire their contributions to be applied.

Article III was amended to provide that the triennial meeting of the Society was to be held on the second day of the session of General Convention, instead of the first day thereof. Also, that the preacher at that meeting was to be appointed by the board of directors instead of by the House of Bishops.

Article V was amended so as to provide that instead of the patrons being directors, *ex officio*, only those who were already such before the article was amended, together with the secretary and treasurer, and the president and vice-president, were to constitute the board of directors. Authority was given to the executive committee to determine the place of the annual meeting, except in the years when the General Convention met, instead of always holding the meeting in the city of Philadelphia.

Article VI was amended to provide that a month's notice was to be given for a special meeting. New missionary stations could be fixed at any special meeting without authorization by the annual meeting, as formerly required. The board was also given power to appoint an executive committee. The former article provided that all appointments of missionaries must have the approbation of the bishops present. The amended article required only the consent of the president or of the bishop to whose diocese the appointed missionary belonged.

Article VII was amended in several unimportant particulars, except that it was provided that only legacies and other sums specifically given for the permanent fund should be applied thereto, instead of the former provision that twenty per cent of all moneys contributed to the Society should be reserved to form a permanent fund.

Article VIII was amended to enlarge the power of the board of directors so as to permit them to do at any meeting what before could only be done at an annual meeting. The former provision that the bishop of the diocese should be the president of all auxiliary societies formed in his diocese was stricken out.

Article X was amended so as to provide that the board should publish each year a report of their proceedings for the information of the Church at large, and at every meeting of the Society, present a general view of the proceedings of the board since the last meeting, to be referred to a committee to prepare a report to be presented to the General Convention.

Other amendments were also made to the several articles, but were not of sufficient importance to require consideration.

CONVENTION OF 1832

This Convention amended Article III by providing that the time of the meeting of the Society should be appointed by the board of directors, instead of on the second day of the session of General Convention as formerly provided.

The former provision that a sermon was to be preached at this meeting and an offering taken was stricken out.

CONVENTION OF 1835

A committee of the House of Deputies in this Convention, appointed to consider the question of the election of missionary bishops, reported to the House that there was urgent need of such bishops, and that the reason why their election and consecration had so long been delayed was because there did not seem to be any reasonable prospect of supporting them, but that now "a missionary spirit on which reliance may be had, has been awakened in the Church, and the missionary department puts it in the power of the Convention to send the requisite number of bishops to those settlements."

The Convention enacted a Canon on Missionary Bishops, which provided for the election of bishops in states and territories not organ-

ized into dioceses, and also in places outside of the United States, which the House of Bishops might designate. The consent of the Board of Missions as well as the consents of the bishops and various standing committees was made necessary by this canon, to the consecration of a missionary bishop.

This Convention adopted a new constitution for the Missionary Society as follows:

ARTICLE I. This institution shall be denominated "The Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States of America."

ARTICLE II. The Society shall be considered as comprehending all persons who are members of this Church.

ARTICLE III. At every Triennial meeting of the General Convention, which is the constituted representative body of the whole Protestant Episcopal Church in these United States, there shall be appointed, by a concurrent vote, on nomination by a joint Committee of the two Houses, a Board of thirty members, who, together with the Bishops of this Church, and such persons as became patrons of this Society before the meeting of the General Convention in the year 1829, shall be called the "Board of Missions of the Protestant Episcopal Church in the United States of America." The said Committee of Nominations shall consist of three Bishops, to be elected by ballot, in the House of Bishops, and three Presbyters and three laymen, to be elected by ballot in the House of Clerical and Lay Deputies.

ARTICLE IV. To the Board of Missions shall be entrusted the supervision of the general missionary operations of the Church, with power to establish missionary stations, appoint missionaries, make appropriations of money, regulate the conducting of missions, fill any vacancies in their number which may occur, and also to enact all by-laws which they may deem necessary for their own government and the government of their committees.

ARTICLE V. The presiding Bishop of this Church shall be the president of the Board; and in his 'absence, the senior bishop present shall preside; in the absence of all the Bishops, the Board shall elect a president *pro tempore*.

ARTICLE VI. The Board of Missions shall hold its first meeting at the call of the presiding Bishop and meet annually thereafter at such time and place as may have been appointed at the previous annual meeting, and also on the second day of the meeting of the General Convention, at the place of its meeting. They shall publish an annual report of their proceedings for the information of the Society, and present a triennial report to each stated General Convention.

At all meetings of the Board, ten members shall form a quorum.

Special meetings of the Board may be called as shall be provided in their own by-laws.

ARTICLE VII. The Board, as soon as may be after it has been constituted, shall proceed to appoint eight persons, four of whom shall be clergymen, and four of whom shall be laymen, who, together with the Bishop of the Diocese in which the Committee shall be located, shall be a Committee for Domestic Missions; and

eight other persons, four of whom shall be Clergymen and four of whom shall be laymen, who, together with the Bishop of the Diocese in which the Committee shall be located, shall be a Committee for Foreign Missions; all of whom shall be *ex officio*, members of the Board of Missions.

The Board of Missions shall determine the location of the Committees respectively.

Any bishop or bishops present at the place of meeting, shall have a right, *ex-officio*, to attend as members of the same, the meetings of the Committees.

Vacancies occurring in either of the Committees, during the recess of the Board, may be filled by the Committees respectively, subject to the approval of the Board at its next meeting.

ARTICLE VIII. To the Committees of the Board thus constituted, shall be referred, in their respective departments, during the recess of the Board, the whole administration of the general missionary work of the Church, subject to the regulations of the Board. Each Committee shall make a report of their proceedings to the Board of Missions at every meeting of the Board.

ARTICLE IX. The Board of Missions shall appoint for each Committee, a Secretary and General Agent, with a suitable salary, who shall be the executive officer of the Committee to collect information, to conduct its correspondence, to devise and recommend plans of operation, and in general to execute all the purposes of the Board, in his proper sphere, submitting all his measures, before their adoption, to the Committee for whom he is appointed, for their approval.

Each Committee shall appoint a treasurer, and the Board shall designate which of the treasurers appointed shall be authorized to receive all moneys not specifically appropriated, which moneys shall be at the disposal of the Board.

The Secretaries and Treasurers shall be *ex-officio* members of their respective Committees and of the Board.

Local and subordinate agents and officers may, when necessary, be appointed by each Committee.

ARTICLE X. For the guidance of the Committee it is declared that the missionary field is always to be regarded as one, THE WORLD—the terms domestic and foreign being understood as terms of locality adopted for convenience. *Domestic* missions are those which are established within, and *foreign* missions are those which are established *without*, the territory of the United States.

ARTICLE XI. No clergyman shall be appointed a missionary by the Board, or by either of the Committees, without the recommendation of the ecclesiastical authority of the diocese to which he belongs; nor shall any missionary be sent to officiate in any diocese, without the consent of the ecclesiastical authority of the same; and no clergyman shall be appointed a missionary who is not at the time a minister of the Protestant Episcopal Church of regular standing; and the appointment of a missionary may be annulled at any time by the written direction or order of a majority of the bishops of the Church.

ARTICLE XII. The Board of Missions provided for in the 3rd Article of this Constitution, shall in all cases be continued in office until a new Board is elected.

ARTICLE XIII. It is recommended to every member of this Society to pray to Almighty God for his blessing upon its designs, under the full conviction that

unless He directs us in all our doings with His most gracious favor, and furthers us with his continual help, we cannot reasonably hope to procure suitable persons to act as missionaries, or expect that their endeavors will be successful.

This Constitution marks a great step in advance in the missionary organization of the Church.

The adoption of this Constitution and the enactment of the canon providing for the election of missionary bishops stamped the General Convention of 1835 as the great Missionary Convention of the Church.

For the missionary spirit shown by this Convention, no small part is due to the great sermon preached by Bishop McIlvaine of Ohio before the Missionary Society just before the meeting of the Convention, in which he said, "The Church is a great missionary association, divinely constituted, for the special work of sending into all the world the ministers and missionaries of the Word." When the committee of the board of directors of the Society met to consider the reorganization of the Society, they were unanimous in favor of the principle that the Church itself is the great missionary society and should carry on the work of missions by a board appointed by the General Convention.

We are not surprised to find that the new Constitution adopted by this Convention enunciated two great principles, viz.: that every baptized member of the Church was a member of the Society, and that the missionary field of the Church was the world.

The Constitution also established a Board of Missions to have supervision of all missionary operations in the Church, and authorized the Board to appoint two committees, one for domestic missions, and one for foreign missions, which committees were to have the administration of the general missionary work of the Church during the recess of the Board. The Board was also given the power to appoint for each committee, a secretary and general agent to execute the purposes of the Board in his respective sphere.

CONVENTION OF 1838

This Convention amended Article IV of the new Constitution by adding the following proviso thereto:

Provided, always, that in relation to organized Dioceses having Bishops, the Board shall regulate the number of Missionary Stations, but the Bishop of the Diocese may select the Stations, and may at any time discontinue a Station, and in lieu of it establish one elsewhere.

CONVENTION OF 1856

This Convention amended Article III of the Society's Constitution so as to provide that there should be a representation of the clergy and of the laity from each diocese in the Board of Missions, instead of a fixed number of thirty members as before.

CONVENTION OF 1862

This Convention amended Article IV by adding thereto the following proviso:

Provided, always, that in relation to organized Dioceses, having Bishops, the Board shall regulate the number of missionary stations, and, with the consent of the Bishop, shall select the stations.

Article XI was amended by changing the words "without the recommendation of the ecclesiastical authority of the Diocese to which he belongs," to read: "until after conference with the Ecclesiastical Authority of the Diocese or Missionary District to which he belongs."

A new article, numbered XII, was added to read as follows:

ARTICLE XII. Associations designed to act in connection with the Board in the great missionary work committed to the Church may become auxiliary; and all contributions specially appropriated for such purpose by such Associations or by any individuals, shall be received and paid in accordance with the expressed wish of the donors.

This article is important as authorizing and laying the foundation for the Woman's Auxiliary, which has since become such a powerful aid in the missionary work of the Church.

CONVENTION OF 1865

A new article was added to the Constitution of the Missionary Society by the Convention of 1865, numbered V, and to read as follows:

ARTICLE V. There may be appointed, during the will of the Board of Missions, a Commission to be called the "Commission of Home Missions to Colored People," to whom shall be committed the religious and other instruction of the freedmen; said Commission to meet quarterly; a majority to be a quorum, with authority to appoint a Secretary and General Agent and Treasurer, and to constitute, as its general representative, with full power to act for it during its recess, an Executive Committee composed of such a number of its members as it may prescribe, not to exceed eight; the members of said Executive Committee to be *ex officio* members of the Board of Missions; and said Commission to be governed in its actions by the principles laid down in the article of the Constitution of this Society concerning the appointment of Missionaries.

CONVENTION OF 1871

This Convention, sometimes called the Jubilee Convention because it met just fifty years after the establishing of the missionary organization of the Church and celebrated that anniversary, amended the first article of the Constitution of the Society by adding thereto the following:

And the Board of Missions of the Protestant Episcopal Church in the United States of America, hereinafter provided for, may exercise, subject to the General Convention, and within the limitations contained in this Constitution, and in any amendments hereafter made in the same, all the corporate powers of the institution aforesaid.

This amendment was designed to give larger powers to the Board of Missions, authorizing it to exercise all the corporate powers of the Society.

We have given a somewhat extended consideration to this Constitution of the Missionary Society, because, until the Convention of 1871, there was no canon regulating and controlling the work of the Society; the Constitution taking the place of a canon. As a canon was now enacted which, in some measure, superseded certain provisions of that Constitution, our consideration will now be confined to the canon and the amendments made thereto from time to time.

The following canon was enacted by this Convention at Title III, Canon 9.

CANON 9

OF THE BOARD OF MISSIONS

Sec. 1. (i) It shall be the duty of the General Convention, at every triennial meeting, on nomination by a Joint Committee of the two Houses, designated for that purpose, to appoint a Board of Missions for the management of the General Missions, Foreign and Domestic, of this Church.

(ii) All the Bishops of this Church shall be *ex-officio* members of said Board. The elective members shall be selected from the Presbyters and Laymen of the several organized Dioceses of this Church, in such numerical proportions as shall from time to time be determined.

Sec. 2. The Board of Missions may adopt a Constitution, and modify the same as occasion shall require: *Provided*, that such Constitution and amendments shall be of no force until the same shall have been submitted to and approved by the General Convention.

Sec. 3. At every triennial Convention the Board of Missions shall make a report of its doings to the General Convention.

The principal change made by the canon, and wherein it differed from the Constitution of the Society, was the provision that the board

itself might adopt a Constitution, subject to the approval of the General Convention.

CONVENTION OF 1877

The Canon of 1871 was very materially amended by the Convention of 1877. This canon and the Constitution of the Missionary Society were now combined into a canon, but denominated as the Constitution of the Missionary Society, to read as follows:

CANON 9

OF THE CONSTITUTION OF THE DOMESTIC AND FOREIGN MISSIONARY SOCIETY OF THE PROTESTANT EPISCOPAL CHURCH IN THE UNITED STATES OF AMERICA

Sec. 1. The Constitution of the said Society, which was incorporated by an act of the Legislature of the State of New York, is hereby amended and established so as to read as follows:

Constitution of the Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States of America, as established in 1821, and since amended at various times.

ARTICLE I. This institution shall be denominated The Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States of America.

ARTICLE II. This Society shall be considered as comprehending all persons who are members of this Church.

ARTICLE III. There shall be a Board of Missions of such Society, composed of the Bishops of this Church, and the members for the time being of the House of Deputies of the General Conventions of this Church, Bishops and Deputies sitting apart as in General Convention, or together when they shall so decide. The Board of Missions thus constituted shall convene on the third day of the session of the General Convention, and shall sit from time to time as the business of the Board shall demand.

ARTICLE IV. There shall be a Board of Managers, comprising all the Bishops as Members *ex-officio*, and fifteen Presbyters and fifteen laymen, to be appointed by the Board of Missions at every triennial meeting of the General Convention, who shall have the management of the General Missions of this Church, and shall remain in office until their successors are chosen, and shall have power to fill any vacancies that may occur in their number. Eight Clerical members and eight Lay members shall constitute a quorum. This Board of Managers shall, during the recess of the Convention, exercise all the corporate powers of the Domestic and Foreign Missionary Society. The Board of Managers shall report to the General Convention, constituted as a Board of Missions, on or before the third day of the session of the General Convention. But nothing herein contained shall affect the rights of any surviving life members of the Board of Missions.

ARTICLE V. The Board of Managers is authorized to form, from its own members, a Committee for Domestic Missions and a Committee for Foreign Missions, and such other Committees as it may seem desirable to promote special Missionary

work, and is also authorized to appoint such officers as shall be needful for carrying on the work.

ARTICLE VI. The Board of Managers is entrusted with power to establish and regulate such Missions as are not placed under Episcopal supervision, and to enact all by-laws which it may deem necessary for its own government and for the government of its Committees: *Provided, always*, that in relation to organized Dioceses and Missionary Jurisdictions having Bishops, the appropriations shall be made in gross to such Dioceses and Missionary Jurisdictions, to be disbursed by the local authorities thereof. The Board shall notify to the several Bishops the gross sums so appropriated; and those Bishops shall regulate the number of Mission Stations, appoint the Missionaries, and assign them their stipends, with the approval of the Board of Managers.

ARTICLE VII. No person shall be appointed a Missionary who is not at the time a Minister of the Protestant Episcopal Church of regular standing; but nothing in this Section precludes the Committees from making pecuniary appropriations in aid of Missions under the care of other Churches in communion with this Church, or of employing laymen or women, members of this Church, to do Missionary work.

ARTICLE VIII. The Board of Managers is authorized to promote the formation of auxiliary Missionary Associations, whose contributions, as well as those specially appropriated by individuals, shall be received and paid in accordance with the wish of the donors, when expressed in writing. It shall be the duty of the Board of Managers to arrange for public Missionary meetings, to be held at the same time and place as the General Convention, and at such other times and places as may be determined upon, to which all auxiliaries approved by the Board of Managers may send one Clerical and one Lay Delegate.

ARTICLE IX. This Constitution may be altered or amended at any time by the General Convention of this Church.

Sec. 2. All Canons, and all action by or under the authority of the General Convention, so far as inconsistent with the provisions of this Canon and of such amended Constitution, are hereby repealed: *Provided, however*, that nothing herein shall in any manner impair or affect any corporate rights of the said Society, or any vested right whatever.

Sec. 3. This Canon shall take effect immediately.

The Constitution of the Missionary Society was made a canon in order that it might stand as a permanent constitution, declaring that the General Convention is the domestic and foreign missionary society of the Church. It was done to meet the needs of the Church, and to put into the heart of the Church its own missionary work, and to give to it all that was necessary to be given in order that it might properly discharge its responsibilities to the great mission work of the Church.

The first two articles of the canon are the same as the first two articles of the former Constitution, except that the amendment of 1871 to the first article is stricken out.

The third article of the former Constitution provided for a Board of Missions consisting of all the bishops, and a number of clerical and lay members at least equal in number to four times the number of dioceses in union with the Convention.

The third article of the canon provided that all the bishops and all the members of the House of Deputies, clerical and lay, should together constitute the Board of Missions. The provision of the new article that the House of Bishops and the House of Deputies, when acting as a board of missions might sit apart, or together, as they shall decide, was the subject of much debate in the House of Deputies when the article was being considered.

It was stated that the object of this provision was simply for convenience, so that in case it was necessary for the Convention to act as a board of missions, it would not be necessary to call upon the House of Bishops, holding a separate session, to meet with the House of Deputies in joint session, but that the latter House could take action in reference to missions, and then send it to the House of Bishops for the concurrence of that House. This would apply only to the lesser measures, and that all matters of importance would be acted upon by the two houses meeting together.

When the Convention resolved itself into a Board of Missions, the deputies were not to sit as deputies to the Convention, but as members of the Board of Missions. This answered the objection that members of the board who were not deputies to the Convention could not take part in the proceedings of the board.

Article IV provided for a Board of Managers who should have the management of the general missions of the Church, and who should exercise all the corporate powers of the Domestic and Foreign Missionary Society. This board took the place of the former Board of Missions. Article V took the place of the former Article VIII of the Constitution of the Society and gave to the Board of Managers power to form from its own members such committees as might seem desirable. It was also authorized to appoint such officers as might be necessary to carry on the work. These officers did not need to be members of the Board of Managers.

Article VI took the place of former Article IV of the Constitution of the Society and gave to the Board of Managers power to establish and regulate such missions as were not placed under episcopal super-

vision. This power was not an important one, as it was shown in the debate on this article that the only missions of the Church not under episcopal supervision were those in Alaska.

A new provision of this article provided that all appropriations of money to organized dioceses and missionary jurisdictions should be made in gross, to be disbursed by the authorities of such dioceses and jurisdictions. Under former Article IV, the Board of Missions was given power to regulate the number of missionary stations and, with the consent of the bishop, to select the stations. This seemed to be an encroachment upon the prerogative of the bishop of a diocese, and in the new Article VI, the bishops were to regulate the number of missionary stations, appoint the missionaries, and assign them their stations, with the approval of the Board of Managers.

Article VII contained a part of the subject matter of former Article XII. The first part of that article stipulating that no person should be appointed a missionary until after a conference with the ecclesiastical authority of the diocese or district to which he belonged, nor a missionary sent to officiate in any diocese or district without the consent of such authority, was stricken out as being no longer necessary under the provisions of Article VI.

The first sentence of Article VIII was practically the same as former Article XIII and provided for the formation of auxiliary associations.

The last part of the article was new and provided for public missionary meetings to which all auxiliaries approved by the Board of Managers might send one clerical and one lay delegate.

Article IX, Section 1, provided for the alteration and amendment of the canon by the General Convention.

Section 2 simply provided for the repeal of all canons so far as they were inconsistent with the provisions of this canon.

Section 3 provided that this canon should take effect immediately in order that the Convention might proceed to take necessary action under its provisions.

CONVENTION OF 1880

It was to be expected that experience would show the necessity of further legislation to give the new canon more complete and practical

efficiency. Amendments were, therefore, made to the canon by the Convention of 1880 as follows:

Article III was amended by striking out the words

of this Church, Bishops and Deputies sitting apart as in General Convention, or together when they shall so decide,

in the fifth, sixth, and seventh lines, and inserting in place thereof the following:

the Delegates from the Missionary Jurisdictions to the said House of Deputies, and the Members of the Board of Managers, as hereinafter described and the Secretaries and Treasurers of the Domestic and Foreign Committees.

It was felt that the delegates from missionary jurisdictions ought to be members of the Board of Missions, as well as the members of the Board of Managers, and the secretaries and treasurers of the two committees. When the provision that the House of Bishops and the House of Deputies might sit apart or together as a board of missions was placed in this article by the former Convention, it met with much opposition. Its impracticability was soon demonstrated and it was now stricken out, and the two houses were to meet together when sitting as a board of missions.

Article III was further amended by inserting after the word "described" in the fifth line, the following: "and the Secretaries and Treasurers of the Domestic and Foreign Committees."

As the secretaries and treasurers of the two committees were in closer touch with, and had a more extended knowledge of the missionary work of the Church, it was felt that they should be, *ex officio*, members of the Board of Managers.

In Article IV the words, "during the recess of the Convention" in the twelfth and thirteenth lines, were stricken out, and these words inserted in place thereof: "when the Board of Missions is not in session."

As the Convention sat only a small part of its session as a board of missions, it might well happen that some action in the matter of the missionary work of the Church ought to be taken while the Convention was in session. Under the former article, no action could be taken in the matter until the Convention sat as a board of missions, or until after the adjournment of the Convention. For this reason the change was made, giving the Board of Managers power to act at any time when the Board of Missions was not in session.

Article VII was amended by striking out the word "Committees" in the fifth line, and inserting in place thereof the following: "Board of Managers."

It was felt that the making of pecuniary appropriations in aid of missions under the care of other Churches was too important a matter to be left to the judgment of committees, but should be under the direction of the Board of Managers.

CONVENTION OF 1883

Article VII of Title III, Canon 9, was amended by this Convention to read as follows:

ARTICLE VII. No person shall be appointed a Missionary who is not at the time a Minister in regular standing of the Protestant Episcopal Church, or of some Church in communion with the same; but nothing in this Section shall preclude the Board of Managers from employing Laymen or women, members of this Church, or of some Church in communion with the same, to do Missionary work.

The principal changes made by this Convention in the article were as follows:

1. The Board of Managers was authorized to employ as missionaries or lay workers, persons who were ministers or members of some Church in communion with this Church.

2. The provision of the former article authorizing the Board of Managers to make pecuniary contributions in aid of missions under the care of other Churches in communion with this Church, was now stricken out. The Board of Managers, in its report to this Convention stated that the practical operation of this provision had not been satisfactory. The board had from time to time made appropriations to such a Church, but without the power of knowing or finding out how the expenditures were made. In the opinion of the board a change of policy in this matter was urgently demanded.

Article III was amended by inserting the word "and" before the words "the members of the Board of Managers," and by striking out the words "and the Secretaries and Treasurers of the Domestic and Foreign Committees" in the seventh, eighth, and ninth lines, thereof.

The former Convention had inserted these words making the said secretaries and treasurers members of the Board of Missions. It was discovered that under the law of the state of New York, in which state the Missionary Society was incorporated, no trustee of the Board of Missions or the Board of Managers could be salaried officers thereof,

and as said secretaries were salaried officers of the Society, they could not be members of the Board of Missions.

Article IV was amended by striking out the words:

and the Secretaries and Treasurers of the Domestic and Foreign Committees, as members, *ex-officio*,

in the second, third, and fourth lines, and inserting in place thereof the following:

the Treasurer or Treasurers appointed by the Board of Missions or by the Board of Managers.

This amendment was made for the same reason as the amendment to Article III, the secretaries being salaried officers of the board, and therefore not eligible as members of the Board of Managers. As the treasurers were not salaried officers, they continued to be eligible as such managers.

Article VIII was amended by inserting after the words "The Board of Managers" in the first line, the following:

shall have power to appoint local agents to represent the Society in different parts of this country, and . . .

CONVENTION OF 1886

Article IV was radically amended by this Convention to read as follows:

ARTICLE IV. There shall be appointed every triennial meeting of the General Convention a Missionary Council, comprising all the Bishops of this Church, an equal number of Presbyters, and an equal number of laymen, which shall meet annually, except in those years appointed for the meeting of the Board of Missions, at such time and place as may be designated by the Board of Managers with the approval of the Presiding Bishop, which shall be competent to take all necessary action in regard to the Missionary work of the Church which shall not conflict with the general policy of the Board as from time to time determined at its triennial sessions.

There shall also be appointed in like manner a Board of Managers to be selected from the Missionary Council, comprising the Presiding Bishop, as President, and fifteen other Bishops, fifteen Presbyters, and fifteen laymen, who shall have the management of the general missions of this Church; and, when the Board of Missions is not in session, shall exercise all the corporate powers of the Domestic and Foreign Missionary Society; they shall remain in office until their successors are chosen, and they shall have power to fill any vacancies that may occur in their number:

Provided, That the election to fill such vacancies shall be restricted to an election from the members of the Missionary Council.

All other Bishops of this Church, together with the Secretary and Treasurer of the Domestic and Foreign Missionary Society, and of the Board of Managers shall be *ex-officio* members of the Board and have all rights and privileges of the elected members, except the right to vote.

Whenever demanded by one-fifth of the members present, a majority of two-thirds of the members voting shall be necessary to any act of the Board. In all annual appropriations, and in entering upon or abandoning any Missionary field, as also in changing the By-laws, a majority must be present. For all other business the Board may, by a By-law, determine the quorum.

The Board of Managers shall make a full and complete triennial report to the General Convention, constituted as the Board of Missions, on or before the third day of the Session of the General Convention, and a similar report to the Missionary Council at its annual meetings, comprising such an outline of the Missionary work prosecuted during the preceding year as may serve to give a comprehensive view of the progress, prospects and present condition of the work of the Society in the several parts of the Domestic and Foreign fields.

A special committee of the Board of Managers, appointed to consider and report any measures necessary to carry out the provisions of the Missionary Canon, stated in their report that, while the present organization was a great improvement in many respects on that which had preceded it, there was still room for improvement. The committee felt that one reason why it was not more effective was, that the board was equally divided into two committees, domestic and foreign, "thus practically divesting the Board of all active connection with the details of the work committed to its charge, beyond a quarterly meeting to ratify and record the action of the two Committees." The committee recommended that the board should meet monthly as a board and act in the first instance on all matters that came before it.

Acting on these recommendations of the special committee, the Convention amended the canon so as to provide for a smaller Board of Managers to have the management of the general missions of the Church, doing away with the two former committees on domestic and foreign missions. Where, before, all the bishops were members of the Board of Managers, under the amended canon only the Presiding Bishop and fifteen other bishops chosen by the General Convention from the Missionary Council were to be members of the board. All other bishops were made *ex officio* members of the board with all the privileges of the elected bishops except the right to vote.

A Missionary Council was also provided for to comprise all the bishops of the Church and an equal number of presbyters and also of laymen. This council was to meet annually in the years appointed for the meeting of the Board of Missions. It was given power to take

all necessary action regarding the missionary work, provided that such action did not conflict with the general policy of the Board of Missions as determined upon at its triennial session.

Article V was amended to read as follows:

ARTICLE V. The Board of Managers is authorized to form such committees as it may deem desirable to promote the Missionary work and to appoint such officers as shall be needful for carrying on such work, and to enact all By-laws, for its own government and the government of its committees and officers.

The former article required the appointment of two committees, one for domestic, and one for foreign missions, and that these committees should be formed from the members of the board. Both of these provisions were now stricken out.

Article VI was amended as follows:

The power given to the Board of Managers to enact By-laws was taken from this Article and made a part of Article V.

The proviso of the former article was amended to read as follows:

In all organized Dioceses and Missionary Jurisdictions having Bishops in the Domestic field, it is authorized to make annual appropriations to be disbursed by the Bishops with the approval of the Standing Committee or Board of Missions of the Diocese or Jurisdiction, and whenever any of said Bishops may so elect, the Board of Managers shall act as above provided instead of such Standing Committee or said Diocesan Board of Missions: *Provided*, that no part of such annual appropriations shall be expended for any other purpose than the support of Missionaries, or the supply of Mission Stations with clerical service, without the concurrence of the Board of Managers; and an itemized account of the expenditures of all appropriations shall be made annually to the President of the Board of Managers; and, *Provided*, that in the management of the Foreign Missions, the Bishops shall have as their Council of advice the Board of Managers for the general schedule of expenditures; but for the details of the local work, they may have as their Council of advice the Standing Committee of their respective Jurisdictions.

Under the former article the appropriations were to be made in bulk to foreign missionary jurisdictions as well as domestic ones. This was objected to by some of the foreign missionary bishops, who preferred that the appropriations should not be disbursed by them, and the article as amended exempted such jurisdictions from the provision requiring the appropriations to be made to each diocese and jurisdiction in bulk.

These appropriations were formerly to be disbursed by the local authorities of each diocese and jurisdiction; under the provisions of the amended article they are to be disbursed by the bishops with the

approval of the standing committee or Board of Missions of the diocese or jurisdiction. Provision was also made that no part of this annual appropriation should be used for any other purpose than the support of the missionaries, without the concurrence of the Board of Managers. An itemized account of how the appropriations had been expended was to be made annually to the Board of Managers. The article is silent, however, as to who should make this account.

Article VII was a new article relating to the salary of a missionary bishop and read as follows:

ARTICLE VII. The salary of a Missionary Bishop shall be fixed at or before the time of his election, to take effect from the date of his Consecration, and shall not be diminished during his official relation to the Board of Missions without his consent. But all contributions by the Missionary Jurisdictions for the support of their Bishops shall be reported to the Board of Managers and accounted for as a part of such salary. Whenever the Board shall be satisfied of the ability of a Missionary Jurisdiction to support its Bishop with a salary not less than that provided for at his Consecration, the relation of such Missionary Bishop to the Board of Missions may be terminated by said Board.

Article VII was renumbered VIII.

Article VIII was renumbered IX, and amended by striking out from the eleventh and twelfth lines the words, "the same time and place as the General Convention and at," and the word "other" in the twelfth line; and by substituting the word "representatives" for the words "one Clerical and one Lay Delegate" at the close.

The effect of these amendments was to do away with the requirement that public missionary meetings should be held at the time and place of the meeting of the General Convention, and put the holding of such meetings as to time and place under the direction of the Board of Managers; also permitting auxiliaries approved by the Board of Managers to send representatives to such meetings.

Articles IX and X were renumbered X and XI respectively.

CONVENTION OF 1889

The first paragraph of Article IV was amended by this Convention as follows:

After the word "Church" in the fourth line, strike out the words, an equal number of Presbyters, and an equal number of laymen, and insert in place thereof the following:

all the members of the Board of Managers, and in addition thereto at least one clerical and one lay member for each Diocese.

Also, at the end of said first paragraph, add the following:

It shall be competent for the Bishop of a Diocese to fill vacancies in the representation of his Diocese, occurring by removal, resignation, or death, during the recess of the General Convention.

The former article neglected to provide that the Board of Managers should have membership in the Missionary Council, a serious omission, as their presence in the council was necessary to insure a correct understanding of the details of the missionary work.

The amendment was made to correct this omission.

The former article made no provision for diocesan representation in the Missionary Council; it only provided that the council should comprise a number of presbyters, and a number of laymen, each number equal to the number of bishops. The amendment provided that there should be one clerical and one lay delegate to the council from each diocese. No provision seems to have been made for any representation from missionary jurisdictions.

In case of a vacancy in a diocesan representation, the bishop was given power to fill the vacancy.

This article was further amended by adding at the close thereof the following:

There shall be appointed at each meeting of the General Convention and of the Missionary Council a Committee consisting of two Bishops, two Presbyters and two laymen, together with the General Secretary of the Board of Missions, whose duty it shall be to arrange an order of work for the ensuing meeting of the Board of Missions, or of the Missionary Council.

In this amendment occurs the first mention of a general secretary of the Board of Missions. The Board of Managers in their report to the General Convention of 1886 strongly urged that provision be made for the appointment of such an officer, one who would be not a "mere Secretary and financial agent managing the office and pleading for means to support our missionary operations, but as the active living centre and representative of our work."

The Board of Managers reported that they had adopted a by-law providing for such an officer, and had elected the Rev. Dr. Langford as such secretary.

The board was given this power under the provisions of Article V, which provided that the board might "appoint such officers as shall be needful for carrying on such work, and to enact all by-laws, etc."

CONVENTION OF 1892

The first paragraph of Article IV was amended by this Convention to read as follows:

ARTICLE IV. There shall be a Missionary Council of this Church. It shall comprise all the Bishops of this Church, all the members of the Board of Managers, such other clergymen or laymen as may be selected by the General Convention at its triennial meetings, and in addition thereto, one presbyter and one layman from each Diocese and Missionary Jurisdiction to be chosen by the Convention, Council, or Convocation of such Diocese or Missionary Jurisdiction. This Council so formed shall meet annually except in those years appointed for the meeting of the Board of Missions, at such time and place as may be designated by the Board of Managers with the approval of the presiding Bishop. Said Council shall be competent to take all necessary action in regard to the missionary work of the Church, which shall not conflict with the general policy of the Board of Missions as from time to time determined at its triennial session. It shall be competent for the Bishop of a Diocese or Missionary Jurisdiction to fill vacancies in the representation of his Diocese or Jurisdiction occurring by removal, resignation, or death, between the sessions of the Convention, Council, or Convocation of his Diocese or Missionary Jurisdiction.

The failure, hitherto, to provide for any representation from missionary jurisdictions in the Missionary Council was now corrected. The membership of the council was further enlarged by the provision for the appointment of such number of clergymen and laymen as might be selected by the General Convention.

No provision was made in the former article as to how the representatives from the several dioceses should be chosen. This was now remedied.

The article was further amended by striking out the proviso that the filling of vacancies in the Board of Managers should be restricted to members of the Missionary Council. The board was now left free to elect to such vacancies such persons as it might see fit to choose.

CONVENTION OF 1895

Article IV seems to have been a subject for amendment in every Convention, and the Convention of 1895 continued to amend it, as follows:

After the words "Missionary Jurisdiction" in the ninth and tenth lines of the first paragraph of Article IV, were inserted the words, said Presbyter and said layman to continue for one year or until a successor is appointed.

Also, the words

which shall be competent to take all necessary action, in regard to the Missionary work of the Church which shall not conflict with the general policy of the Board as from time to time determined at its triennial sessions.

were stricken out, and in place thereof the following words were inserted:

Said Council shall be competent to consider the Missionary work of the Church, to make such recommendations to the Board of Managers as it may deem expedient, and to increase interest in the work of the Board of Missions.

Instead of empowering the Missionary Council to take all necessary action regarding the missionary work of the Church, it was now confined to the making of recommendations to the Board of Managers, and to increasing the interest in the missionary work.

The canon was further amended by the addition of a new article to be numbered X, and to read as follows:

ARTICLE X. Whenever there shall be a meeting of the Board of Missions, as provided for in Article III. of this Canon, there shall be a roll call of the Bishops and of all deputations and delegations, and of the other members of the Board, and in all votes such call shall also be made whenever demanded by the Clerical or Lay Deputation of any Diocese, or by any three members appointed under Article III. A majority of the Board shall constitute a quorum for business. A majority of all members of the Board present at any meeting shall be necessary to pass any motion.

This article was enacted to prevent important action being taken when less than a majority of the members of the board were present.

Article X was renumbered as Article XI.

CONVENTION OF 1898

Article IV was again amended by the Convention of 1898 as follows:

In the second paragraph of said article, the words, "to be selected from the Missionary Council" in the second and third lines thereof, were stricken out.

In the first part of the article it was declared that the Missionary Council should comprise, among other members, "all the members of the Board of Managers." This would seem to assume that the members of the Board of Managers were to be members of the council by reason of their office. In the second paragraph, however, the General Convention tied itself up to the appointment of the Board of Managers

from the membership of the council. Formerly the Board of Managers in filling vacancies in its membership was restricted in like manner; but the Convention of 1892 removed this particular restriction. Hence it would appear as if that Convention, while intending to release the Board of Managers from any limitation in the matter, left it self-bound.

Attention to this fact was called by the Board of Managers in its report to the Convention of 1898, with the result that the restriction was removed.

Article VI was amended by the addition at the end thereof, of the following:

In Missionary Jurisdictions, both Foreign and Domestic, the titles to all Church property and funds, not distinctly parochial, shall be reported to the Board of Managers; and copies of all deeds conveying or affecting such property or funds shall be forwarded to the Board of Managers by the Bishop of the Jurisdiction.

Every Missionary Bishop shall annually report to the Board of Managers all contributions received by him for his work, except such as shall come to him through the Treasurer of the Board.

Article IX was amended by striking out the word "local" in the second line thereof.

Under the provisions of the former Article IX the Board of Managers, in the appointment of agents to represent it in different parts of the country, was obliged to choose local agents. This restriction seemed unnecessary, and inadvisable, and was removed by striking out the word "local."

CONVENTION OF 1901

The only change made in this canon by the Convention of 1901 was the changing of the words "Missionary Jurisdiction" to "Missionary District," wherever they occurred therein.

CONVENTION OF 1904

In the revision of the Digest of Canons by this Convention, Title III, Canon 7, was made Canon 52 and very radically amended to read as follows:

CANON 52

OF THE DOMESTIC AND FOREIGN MISSIONARY SOCIETY

The Constitution of the said Society, which was incorporated by an Act of the Legislature of the State of New York, as from time to time amended, is hereby amended and established so as to read as follows:

Constitution of the Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States of America, as established in 1820, and since amended at various times.

ARTICLE I. This Organization shall be called The Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States of America, and shall be considered as comprehending all persons who are members of the Church. The Presiding Bishop of the Church shall be, *ex-officio*, the President of the Society.

ARTICLE II., Sec. 1. There shall be a Board of Missions for the purpose of exercising the administrative functions of the Society, the members of which shall be triennially chosen and appointed by the General Convention of the Church.

Sec. 2. The Presiding Bishop shall be, *ex-officio*, the President of the Board of Missions. Fifteen other Bishops, fifteen Presbyters, and fifteen Laymen shall complete the active membership of the Board. The Board thus constituted shall exercise all the corporate powers of the Domestic and Foreign Missionary Society; its members shall remain in office until their successors are chosen, and they shall have power to fill any vacancies that may occur in their number, save when a vacancy occurs within three months of a meeting of the General Convention.

Sec. 3. The Board of Missions shall elect a Vice-President, who, in the absence of the President, *ex-officio*, shall preside at all meetings.

Sec. 4. The Bishops of this Church, other than those chosen for active membership, shall be honorary members of the Board, with all the rights and privileges of the elected members, except the right to vote.

Sec. 5. The Board of Missions may organize such Committees as may be needed for the better prosecution of its work, and may enact all necessary By-Laws for its own government and for the government of its Officers and Committees, subject always to the provisions of this Canon.

Sec. 6. For ordinary purposes, ten active members shall constitute a quorum, but for the election or removal of Officers and Committees, for the making of the annual appropriations or for changing the By-Laws, a majority of the active members must be present at a meeting.

Sec. 7. Each General Convention shall also elect a General Secretary and a Treasurer, to hold office until their places are filled by the General Convention. Each of these Officers may be removed by a two-thirds vote at any meeting of the Board of Missions.

Sec. 8. The General Secretary, so elected, shall nominate for election by the Board of Missions certain Associate Secretaries, their number to be determined by the said Board. The Board of Missions shall determine the division of work of any and all such Associate Secretaries. These additional Secretaries shall hold office during the pleasure of the Board of Missions by which they have been elected, or until their successors are appointed.

Sec. 9. The Treasurer shall nominate an Assistant Treasurer to be elected by the Board of Missions and to hold office during its pleasure, or until his successor is appointed. The Assistant Treasurer shall give bonds in such amounts as the Board of Missions may deem necessary.

Sec. 10. In the event of a vacancy occurring in the office of General Secretary

or Treasurer between sessions of the General Convention, the Board of Missions shall appoint a successor to act during the unexpired term.

Sec. 11. The salaries of all the Secretaries and of the Assistant Treasurer shall be fixed by the Board of Missions. The Treasurer shall serve without compensation.

Sec. 12. The Board of Missions shall have power to appoint agents to represent the Society in different parts of the country, and is authorized to promote the formation of Auxiliary Missionary Associations, whose contributions, as well as those specially designated by individuals, shall be received and paid in accordance with the wish of the donors when expressed in writing.

ARTICLE III., Sec. 1. The Board of Missions shall make a full annual report to the Church of its work by publication. It shall also make a triennial report to each General Convention, which report shall be the order of the day on the third day of the session. For the reception and the discussion of the report the House of Bishops and the House of Deputies shall sit in joint session; but all action upon the report shall be taken by the concurrent vote of the two Houses meeting separately.

Sec. 2. The Board of Missions shall also make frequent report to the Church at large alike of its transactions as a deliberative body and of the progress of its enterprises; that so all the members of the Society may be the more earnestly moved to intercessory prayer and generous giving.

Sec. 3. As a further means of obtaining accurate information concerning the progress of the Church's Missions, a committee, consisting of two Bishops, two Presbyters, and two Laymen, together with the Officers of the Domestic and Foreign Missionary Society, shall be appointed by each General Convention, to arrange with the Missionary Bishops and others to address joint sessions of the two Houses of the next following General Convention, upon the needs, conditions, and opportunities for Church extension in the several fields. This committee shall also arrange for the holding of public missionary mass meetings at the time and place of the General Convention, in consultation with the local committee of arrangements therefor. The report of this committee shall be submitted for approval at the opening of the joint session provided for in this Article.

Sec. 4. The elected members of the Board of Missions and the Secretaries, Treasurers, and Assistant Treasurer of the Domestic and Foreign Missionary Society shall have the right of the floor at all joint sessions of the two Houses at which missionary matters are under discussion, but without the right to vote unless they be also Deputies to the General Convention.

ARTICLE IV. The Board of Missions shall, from time to time, arrange, through its officers, for the holding of Missionary Conferences for the systematic study of Missions and for the arousing among the people a greater missionary zeal. These Conferences shall be held in various parts of the country under such regulations as the Board may deem proper. The Missionary Conferences may pass advisory resolutions, and may memorialize or petition either the General Convention or the Board of Missions at any time.

ARTICLE V. Sec. 1. Bishops of Missionary Districts shall draw their salaries from the treasury of the Society. The salaries shall, in all cases, date from the time of consecration, and shall not be diminished, in any case, during the official connection of the Bishop in question with the Board of Missions, except with the

consent of said Bishop. Collections made by the people of Missionary Districts for the support of their Bishops, shall be reported to the Board and accounted contributory to the salaries pledged as aforesaid.

Sec. 2. Whenever the Board shall be satisfied of the ability of a Missionary District to support its Bishop with a salary not less than that provided for at his Consecration, the relation of such Bishop to the Board of Missions may be terminated by said Board.

Sec. 3. Every Missionary Bishop shall annually report to the Board of Missions all contributions received by him for his work, except such as shall come to him through the Treasurer of the Society.

ARTICLE VI. Sec. 1. In all organized Dioceses and Missionary Districts having Bishops in the Domestic field, the Board of Missions is authorized to make annual appropriations to be disbursed by the Bishops with the approval of the Standing Committee, Council of Advice, or Board of Missions of the Diocese or District, and whenever any of said Bishops may so elect, the Board of Missions shall act as above provided, instead of such Standing Committee, Council of Advice, or Board of Missions: *Provided*, that no part of such annual appropriation shall be expended for any other purpose than the support of Missionaries, or the supply of Mission Stations with clerical service, without the concurrence of the Board of Missions; and an itemized account of the expenditure of all appropriations shall be made annually to the President of the Board of Missions; and, *Provided*, that in the management of the Foreign Missions, the Bishops shall have as their Council of Advice the Board of Missions for the general schedule of expenditures; but for the details of the local work, they may have as their advisers the Council of Advice of their respective Districts.

Sec. 2. In the management and general expenditure of the Foreign Missions, the Bishop shall act with the advice and consent of the Board of Missions.

ARTICLE VII. No person shall be appointed a Missionary, who is not, at the time, a Minister in regular standing of the Protestant Episcopal Church, or of some Church in communion with this Church; but nothing in this Article shall preclude the Board of Missions from employing lay men or women, members of this Church, or of some Church in communion with the same, to do missionary work.

ARTICLE VIII., Sec. 1. This Constitution may be altered or amended at any time by the General Convention of this Church.

Sec. 2. All Canons and all action by or under the authority of the General Convention, so far as inconsistent with the provisions of this Canon, and of such amended Constitution, are hereby repealed: *Provided, however*, that nothing herein shall in any manner impair or affect any corporate rights of the said Society, or any vested right whatever.

Sec. 3. Every parish and congregation of this Church shall make at least one annual offering for the missionary work of the Church conducted by the Board of Missions.

Sec. 4. This Canon shall take effect immediately.

The first article comprised the first two articles of the former canon;

the only change being the provision that the Presiding Bishop should be the president of the society.

Article II, Sections 1 and 2, contained the substance of the third paragraph of former Article IV. An important change made in the article was the substitution of a Board of Missions for the former Board of Managers. The Presiding Bishop was made *ex officio* the president of the board.

Sec. 3 made provision for the election of a vice-president, a new provision.

Sec. 4 was practically the same as the last paragraph of former Article IV.

Sec. 5 was practically a re-enactment of former Article V.

Sec. 6 fixed the number of members necessary for a quorum, while the fourth paragraph of former Article IV provided that the board might fix its own quorum for lesser matters.

Sec. 7 was a new provision in that it named the office of general secretary.

Sec. 8 was also an entirely new section, as were Sections 9, 10, and 11.

Sec. 12 was the same as former Article IX, except that the last sentence thereof was stricken out.

Article III, Section 1, contained, in part, the substance of the fifth paragraph of former Article IV, with the added provision that the Board of Missions should make an annual report to the Church of its work. Also, while the two houses of General Convention should sit in joint session to receive and discuss the report of the Board of Missions, all action thereon must be taken by concurrent vote of the two houses. The former provision that the Board of Managers (now Board of Missions) must make an annual report to the Missionary Council was stricken out.

Sec. 2 of this article was a new provision.

Sec. 3 contained the substance of the last paragraph of former Article IV, with the added provisions for arranging for the missionary bishops to address the joint sessions, and the holding of public missionary meetings at the time and place of the General Convention. This last provision was formerly in effect but had been repealed.

Sec. 4 was a new section made necessary by the fact that the General Convention was no longer the Board of Missions.

Article IV was a new article, although containing some of the provisions of former Article IV. Instead of missionary councils, missionary conferences were to be held under the auspices of the Board of Missions.

Article V, Sections 1, 2, and 3, were practically the same as former Article VII, together with the last paragraph of Article VI.

Article VI was practically the same as the second paragraph of former Article VI, the Board of Missions being substituted for the Board of Managers.

Article VII was a re-enactment of former Article VIII, with the substitution of Board of Missions for Board of Managers.

Sections 1 and 2 of Article VIII were a re-enactment of Sections 1 and 2, of former Article XI.

Sec. 3 of the same article was a new section, making it the duty of every parish and congregation to make an annual offering for the missionary work of the Church.

Sec. 4 was a re-enactment of Section 4 of former Article XI. The enactment of this canon marked a great advance in the organization of the missionary work of the Church, but, as experience proved, was still incomplete.

CONVENTION OF 1907

After the refusal of the House of Deputies, by noncurrence of orders, to concur with the House of Bishops, in the Convention of 1907, to enact a canon establishing the Provincial System, an amendment to the Missionary Canon was adopted as a substitute for provinces.

Sec. 12, of Article II, Canon 52, was repealed, and inserted in place thereof were six new sections, numbered 12, 13, 14, 15, 16, and 17, to read as follows:

Sec. 12. The Dioceses and Missionary Districts, specified in this Section are grouped for Missionary purposes into eight Departments, as follows:

The first Department shall consist of the Dioceses within the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut.

The Second Department shall consist of the Dioceses within the States of New York and New Jersey, and the Missionary District of Porto Rico.

The Third Department shall consist of the Dioceses within the States of Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and of the Diocese of Washington.

The Fourth Department shall consist of the Dioceses and Missionary Districts within the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, and Kentucky.

The Fifth Department shall consist of the Dioceses within the States of Ohio, Indiana, Illinois, Michigan, and Wisconsin.

The Sixth Department shall consist of the Dioceses and Missionary Districts within the States of Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Montana, Wyoming, and Colorado.

The Seventh Department shall consist of the Dioceses and Missionary Districts within the States of Missouri, Arkansas, Louisiana, Texas, Kansas, and the Territory of New Mexico, and of the Missionary District of Oklahoma and the Indian Territory.

The Eighth Department shall consist of the Dioceses and Missionary Districts within the States of Idaho, Utah, Washington, Oregon, Nevada, California, and the Territories of Arizona, Alaska, and Hawaii, and of the Missionary District of the Philippine Islands.

Provided, however, that the composition of any Department shall be altered in accordance with the provisions of Section 2 of Canon 29, whenever a new Diocese or Missionary District shall be formed.

Sec. 13. Any department may organize a missionary council auxiliary to the Board of Missions. Said council shall be composed of all the Bishops officially resident within the department and of four clerical and four lay representatives from each of the several Dioceses and Missionary Districts within said department, to be elected by the Convention or Councils of such Dioceses and by the Convocations of said Districts, respectively. Provided that the Council may at any time increase or diminish the number of representatives from the Dioceses and Missionary Districts within the department.

Sec. 14. The Missionary Council in any department, when duly constituted, shall have the following powers:

First: To provide for its own organization and to select a descriptive name for the department.

Second: To elect, subject to the approval of the Board of Missions, a Department Secretary, whose compensation shall be fixed and paid by said Board. He shall hold office during the pleasure of the said Board and he shall work under its direction.

Third: To select a representative other than the Department Secretary who shall have the right to attend all meetings of the Board of Missions with the privileges of the floor, but without the right to vote.

Fourth: To promote the holding of Missionary Meetings and to take all such measures to foster Missionary interest within the department as are not inconsistent with the Constitution and Canons of the General Convention or any Diocese, or Missionary District within the Missionary Department.

Sec. 15. Each department shall have the right, if it so desire, to require that the Board of Missions, in making an annual apportionment, shall make such apportionment in gross for sub-division by the Missionary Council thereof as the said Council may determine.

Sec. 16. Within one year after this Canon takes effect, the Senior Bishop in each Department shall summon the Missionary Council to meet for the purpose of organization, at some convenient place within the Department. For every such

Primary Council the Clerical and Lay Deputies of the Diocese or District to the General Convention shall represent their respective Dioceses or Districts, unless and until the Diocese or District shall have elected representatives in the manner provided by Section 13.

Sec. 17. In any Department in which no Missionary Council shall have been organized or no Department Secretary elected prior to January 1, 1909, the Board of Missions shall have power to appoint agents to represent the Society in such Department, and is authorized to promote the formation of Auxiliary Missionary Associations, whose contributions, as well as those specially designated by individuals, shall be received and paid in accordance with the wish of the donors, when expressed in writing, and to take such other action as, if a Missionary Council had been organized, would be discharged thereby.

Article VIII, Sec. 3 was amended by this Convention as follows. Add at the end of said section the following:

And it shall be the duty of every Minister in charge of a Parish or Congregation to inform himself and his Congregation of the needs of the work as officially set forth.

CONVENTION OF 1910

This Convention again materially amended Canon 52. Article II was amended so as to read as follows:

ARTICLE II. Sec. 1. There shall be a Board of Missions for the purpose of discharging the corporate duties of the Society.

Sec. 2. The Board of Missions shall be composed of forty-eight elected members, of whom sixteen shall be Bishops, sixteen shall be Presbyters, and sixteen shall be Laymen. Eight of said Bishops, eight of said Presbyters, and eight of said Laymen shall be elected triennially by the General Convention of the Church. Eight Bishops, eight Presbyters, and eight Laymen shall be elected triennially by the Missionary Council of the several Departments at the last meeting of the respective Councils prior to the triennial meeting of the General Convention, the Missionary Council in each Department choosing to represent it upon the Board of Missions, one Bishop, one Presbyter and one Layman. The persons so chosen may be residents within the limits of the Department, or all or any of them, at the option of said Council, may be chosen at large. The persons chosen by the Missionary Councils shall become members of the Board upon certification of their election to the Secretary of the House of Bishops and to the Secretary of the House of Deputies not later than the third day of the session of the General Convention. All members of the Board shall remain in office until their successors are elected. The Board shall have power to fill any vacancy that may occur through the death, resignation, or removal of any member elected by the General Convention, save when such vacancy shall occur within three months prior to a meeting of the General Convention. In case the Missionary Council in any department shall fail to elect one or more members to represent it on the Board or in case a vacancy occurs in the representation from any department at any time the Board shall have the power to fill said vacancy or vacancies, until such time as they shall be filled by the Missionary Council or Councils.

The three members of the board representing each Missionary Department shall in the year 1910 be elected during the session of the General Convention by the Bishops and Clerical and Lay Deputies from the dioceses and missionary districts constituting said department.

Sec. 3. The General Convention shall elect the Presiding Officer of the Board of Missions, who shall be styled the President of the Board of Missions and shall be *ex officio* a member thereof. Bishops, Presbyters, and Laymen shall be eligible for said office. If a Bishop be chosen, he shall resign his jurisdiction (in accordance with Section 4 of Article II, of the Constitution), or make suitable provision for its care. Should he resign, a special jurisdiction may be assigned to him by the Presiding Bishop or by the House of Bishops. The person chosen shall hold office for six years, unless in the meantime he shall resign or be removed by the General Convention by a majority vote of each House, the House of Deputies voting by orders; but he shall be eligible for re-election.

The salary of the President of the Board of Missions shall be fixed and paid by the Board and shall not be diminished during his tenure of office. Upon reaching the age of sixty-five, the President may be retired and entitled to receive from the Board an annual pension of one-half the salary of which at that time he shall be in receipt. The President of the Board shall have his headquarters in the Church Mission House, and shall be the executive head of the Board and its presiding officer.

Sec. 4. The Bishops of this Church, other than those chosen for active membership, shall be honorary members of the Board, with all the rights and privileges of the elected members, except the right to vote.

Sec. 5. The Board shall hold four regular meetings in each year. Special meetings of the Board may be held in pursuance of resolutions of the Board, or may be convened by the President. It shall be the duty of the President to call a special meeting whenever thereunto requested in writing by three members of the Board in each Order.

The Board shall choose from its own membership an Executive Committee, to which large discretionary powers may be delegated. The President of the Board shall be *ex officio* Chairman of said Committee. The Board may organize auxiliary associations to co-operate with the Board in the furtherance of the missionary work of the Church. The Board may also enact all necessary by-laws for its own government and for the government of its officers and of the Executive Committee, subject always to the provisions of this Canon.

Sec. 6. For ordinary purposes, ten active members shall constitute a quorum, but for the election or removal of Officers and Committees, for the making of the annual appropriations or for changing the By-laws, a majority of the active members must be present at a meeting.

Sec. 7. Each General Convention shall elect a Treasurer of the Board of Missions, who shall hold office for three years, and shall be *ex officio* a member of the Board. Said officer shall be removable by a two-thirds vote at any meeting of the Board of Missions.

Sec. 8. Upon the nomination of the President of the Board of Missions, the Board shall elect such Secretaries as may be necessary, who shall perform such duties as the President of the Board shall assign to them. The persons so elected

shall hold office during the pleasure of the Board of Missions, or until their successors are chosen.

Sec. 9. The Treasurer shall nominate an Assistant Treasurer to be elected by the Board of Missions and to hold office during its pleasure, or until his successor is appointed. The Treasurer and the Assistant Treasurer shall give bonds in such amounts as the Board of Missions may deem necessary.

Sec. 10. In the event of a vacancy occurring in the office of Treasurer between the sessions of the General Convention, the Board of Missions shall appoint a successor to act during the unexpired term.

Sec. 11. The salaries of all the Secretaries and of the Assistant Treasurer shall be fixed by the Board of Missions. The Treasurer shall serve without compensation. The Secretaries, the Treasurer and the Assistant Treasurer shall constitute a Council of Advice for the President. The scope of the powers of the Council shall be determined by the President, subject to the approval of the Board.

Sec. 12. The Dioceses and Missionary Districts, specified in this Section are grouped for Missionary purposes into eight Departments, as follows:

The First Department shall consist of the Dioceses within the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut.

The Second Department shall consist of the Dioceses within the States of New York and New Jersey, and the Missionary District of Porto Rico.

The Third Department shall consist of the Dioceses within the States of Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the Diocese of Washington.

The Fourth Department shall consist of the Dioceses and Missionary Districts within the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, and Kentucky.

The Fifth Department shall consist of the Dioceses within the States of Ohio, Indiana, Illinois, Michigan, and Wisconsin.

The Sixth Department shall consist of the Dioceses and Missionary Districts within the States of Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Montana, Wyoming, and Colorado.

The Seventh Department shall consist of the Dioceses and Missionary Districts within the States of Missouri, Arkansas, Texas, Kansas, Oklahoma, and the Territory of New Mexico.

The Eighth Department shall consist of the Dioceses and Missionary Districts within the States of Idaho, Utah, Washington, Oregon, Nevada, California, and the Territories of Arizona, Alaska, and Hawaii, and of the Missionary Districts of the Philippine Islands.

Provided, however, That the composition of any Department shall be altered in accordance with the provisions of Section 11 of Canon 29, whenever a new Diocese or Missionary District shall be formed.

Sec. 13. Every department shall organize a Missionary Council auxiliary to the Board of Missions. Said Council shall be composed of all the Bishops officially resident with the Department and of four clerical and four lay representatives from each of the several Dioceses and Missionary Districts within said Department, to be elected by the Conventions or Councils of such Dioceses and by the

Convocations of such Districts, respectively. *Provided*, That the Council may provide for the filling of vacancies occurring in the representation of the Dioceses or Missionary Districts within the Department; and *Provided, further*, that the Council may at any time increase or diminish the number of representatives from the Dioceses and Missionary Districts within the Department.

Sec. 14. The Missionary Council in any Department shall have the following powers:

First. To provide for its own organization and to select a descriptive name for the Department.

Second. To elect, subject to the approval of the Board of Missions, a Department Secretary who shall work under the direction of the Board, and whose compensation shall be fixed and paid by said Board. He shall hold office during the pleasure of the said Board.

Third. To elect as members of the Board of Missions a Bishop, a Presbyter and a Layman to be the representatives of the Department.

Fourth. To promote the holding of missionary meetings and to take all such measures to foster missionary interest within the Department as are not inconsistent with the Constitution and Canons of the General Convention, or of any Diocese or Missionary District within the Department.

Sec. 15. Each Department shall have the right to require that the Board of Missions, in making an annual apportionment shall make such apportionment in gross for subdivision by the Missionary Council thereof, as the said Council may determine.

The first three sections of Article III remained without change, except for a few verbal alterations.

Section 4 was amended to read as follows:

Sec. 4. The President of the Board of Missions, the elected members thereof, the Secretaries, the Treasurer, the Assistant Treasurer, and the Department Secretaries, shall have the right of the floor at all joint sessions of the two Houses of the General Convention. at which missionary matters are under discussion, but without the right to vote unless they are already entitled to vote as members of either House.

Article IV was made the first section of the new Article IV without amendment. A new section was added to this article to read as follows:

Sec. 2. (a) The support of the general missionary work of the Church is a responsibility resting upon all members of the Church, as individuals, and in their collective capacity as Congregations, Dioceses or Missionary districts.

(b) It is the duty of each Bishop and of each minister in charge of a congregation to make known the needs of the work to the people in his Diocese or Congregation.

(c) Every congregation of this Church shall make at least one annual offering for the missionary work of the Church, and each Minister in charge of a congregation and the lay officers thereof shall use all diligence to secure each year the

funds required by the Board of Missions for the spread of Christ's Kingdom, at least to the amount of the apportionment for the year.

Article V was re-enacted with only slight changes in Section 1. The first sentence of said section was changed to read:

The salaries of all Bishops of Missionary Districts shall be paid from the treasury of the Society.

After the word "consecration" in the third line were added these words:

or from the date of their translation, if already consecrated.

The last three words of the section, "pledges as aforesaid," were changed to read "of the said Bishops."

Article VI was re-enacted without amendment.

Article VII was amended to read as follows:

ARTICLE VII. No person shall be appointed a Missionary, who is not, at the time, a Minister in regular standing of this Church, or of some Church in Communion with this Church, or a member thereof. But nothing in this Article shall preclude the Board of Missions from employing for work not directly religious, according to their discretion, and at the request of the Bishop of the Diocese or Missionary District, others persons not so qualified.

Article VIII remained without amendment, save that Section 3 was stricken out, as it was already included in Article IV, Section 2.

CONVENTION OF 1913

This Convention enacted a Canon of Provinces, thus providing for a provincial system in the Church. The expedient of missionary departments adopted in 1907 had proven a failure. Not possessing any power of legislation they were soon recognized, especially by the laymen, as more or less interesting debating assemblies, and were but slimly attended.

The adoption of the provincial system made necessary a change in the Missionary Canon, which was accordingly amended as follows:

Article II, Section 2, was amended to read as follows:

Sec. 2. The Board of Missions shall be composed of forty-eight elected members, of whom sixteen shall be Bishops, sixteen shall be Presbyters, and sixteen shall be Laymen. Eight of said Bishops, eight of said Presbyters, and eight of said Laymen, shall be elected triennially by the General Convention of the Church. Eight Bishops, eight Presbyters, and eight Laymen shall be elected triennially by the several Provincial Synods at the last meeting of the respective Synods prior to the triennial

meeting of the General Convention, the Synod in each Province choosing to represent the Province upon the Board of Missions, one Bishop, one Presbyterian, and one Layman. The persons so chosen may be residents within the limits of the Province, or all or any of them, at the option of the Synod, may be chosen at large. The persons chosen by the Provincial Synods shall become members of the Board upon certification of their election to the Secretary of the House of Bishops, and to the Secretary of the House of Deputies, not later than the third day of the session of the General Convention. All members of the Board shall remain in office until their successors are elected. The Board shall have power to fill any vacancy that may occur through the death, resignation, or removal of any member elected by the General Convention save when such vacancy shall occur within three months prior to a meeting of the General Convention. In case the Provincial Synod in any Province shall fail to elect one or more members to represent it on the Board or, in case a vacancy occurs in the representation of any Province at any time, the Board shall have the power to fill said vacancy or vacancies until such time as they shall be filled by the Provincial Synod or Synods. The three members of the Board representing each Province shall in the year 1913 be the members elected by the Missionary Councils immediately preceding the meeting of the General Convention of that year, and shall hold office until the General Convention of 1916, and until their successors are elected.

In Section 3 of the same article, the reference to Article II of the Constitution was changed by substituting Section 5 for Section 4.

Sections 12 and 13 of the same article were stricken out, and the following sections were renumbered accordingly.

Section 14 of the same article was amended to read as follows:

Sec. 12. Each Provincial Synod shall have the right:

First: To elect subject to the approval of the Board of Missions, a Provincial Secretary who shall work under the direction of the Board, and whose compensation shall be fixed and paid by said Board. He shall hold office during the pleasure of the said Board.

Second: To elect as members of the Board of Missions a Bishop, a Presbyterian, and a Layman, to be the representatives of the Province.

Third: To promote the holding of Missionary Meetings and to take all such measures to foster missionary interests within the Province as are not inconsistent with the Constitution and Canons of the General Convention or of any Diocese or Missionary District within the Province.

Section 13 of the same article was amended to read:

Sec. 13. Each Province shall have the right to require that the Board of Missions in making an annual apportionment shall make such apportionment in gross for sub-division by the Provincial Synod thereof, as the said Synod may determine.

Article III, Sec. 4, was amended by substituting "Provincial" for "Department."

CONVENTION OF 1916

The Convention of 1913, recognizing that the Church's missionary organization was not as effective as it ought to be, appointed a Joint Commission on Missionary Organization and Administration to report to the Convention of 1916.

This commission in its report to that Convention recommended four fundamental changes in organization, as follows:

1. That the General Convention shall recognize and assume its inherent responsibility for the missionary work of the Church.
2. That the Presiding Bishop, so soon as the office of Presiding Bishop becomes an elective office, shall be the active and responsible head of the Missionary Society.
3. That the work of the Board of Missions, the General Board of Religious Education, and the Commission on Social Service be co-ordinated and unified.
4. That the provision that the Board of Missions be composed of an equal number of Bishops, Presbyters, and Laymen be annulled.

The commission also recommended a number of changes in administration, and submitted a draft of canons embodying its recommendations. This draft of canons looked, somewhat, toward the same methods of organization and administration that were effected by the Convention of 1919. The Convention of 1916, however, was not quite ready to effect so radical a change in the matter, and simply amended the Missionary Canon as follows:

Article II, Sec. 3, was amended by the addition thereto of the following:

If the office of President shall become vacant between sessions of the General Convention, the Board may elect a President, who shall hold office until the General Convention elects his successor. The Board of Missions may in its discretion elect from among its members a Vice-President and prescribe his duties, or any other communicant of the Church, whether clerical or lay, may be so elected and shall become, *ex officio*, a Member of the Board.

Article II was further amended by the addition of a new section to be numbered Section 5, and to read as follows:

Sec. 5. At the General Convention of 1919, and at each subsequent Convention the Board of Missions shall submit a budget for the ensuing year, and a provisional estimate for each of the succeeding two years. The budget and estimate, and the report of the Board of Missions hereinafter required, shall be considered by the two Houses of General Convention in Joint Session assembled. Such Joint Session shall begin on the first Monday of the Convention, and shall continue for three consecutive days, or such part thereof as shall be necessary for the consideration and disposition of such budget and estimate and of such report, and for the

consideration also of general questions of missionary policy and action. A report of action by the Joint Session shall be made to each of the two Houses for such concurrent action as may be necessary.

Article III, Sec. 1, was amended to read:

Sec. 1. The Board of Missions so soon as practicable after the close of each fiscal year shall make and publish a full report to the Church of its work. This report shall contain an account of receipts and expenditures, and an exhibit of all trust funds and other resources of the Society.

The Board shall make a like report to each General Convention, which report shall include also a detailed statement of the salaries paid to all principal officers.

Article III, Sec. 4, was amended to read as follows:

Sec. 4. The President and Vice-President of the Board of Missions, the elected members thereof, the Secretaries, the Treasurer, the Assistant Treasurer, and the Provincial Secretaries, shall have the right of the floor at all Joint Sessions of the two Houses of General Convention at which missionary matters are under discussion, and when such matters are under discussion in the House of Deputies the President and Vice-President shall likewise have the right of the floor.

Article V, Sec. 3, was amended to read as follows:

Sec. 3. Every Bishop of a Missionary District shall make an annual report to the Board of Missions of the funds received for the work of his District, together with a specification of all disbursements thereof made by him or under his direction. This report shall include a statement of the funds received directly by the Bishop, by Trustees (whether incorporated or unincorporated), or by any local fiscal officer, and whether received from the treasury of the Domestic and Foreign Missionary Society or from any other source. For the making of such report, the Treasurer of the Board shall provide suitable blanks prepared in conformity with a uniform system of accounting which the Board of Missions shall establish for all Missionary Districts.

Article VI, Sec. 1, was amended by striking out the words "and an itemized . . . Board of Missions," and substituting therefor the following:

and an itemized account of the expenditure of any appropriation received by a Diocesan Bishop shall be made by him annually to the Board of Missions.

Article VI was further amended by striking out Section 2.

CONVENTION OF 1919

Canon 57, Of the Domestic and Foreign Missionary Society, was re-numbered as Canon 59 by the Convention of 1919 and amended by

striking out all of said canon except the first article and the matter preceding it. Article I was amended by adding thereto the following:

Each General Convention shall elect a Treasurer of the Society who shall hold office for three years and until his successor shall be elected.

This amendment was contained in former Article VIII of Canon 57.

A new article was added, providing in the first section thereof that the Presiding Bishop and Council should be the directors of the society and were to exercise all its powers.

The second section of Article II provided how the Constitution of the Society might be amended.

Most of the subject matter contained in former Canon 57 was incorporated in the new Canon 60, Of the Presiding Bishop and Council.

CONVENTION OF 1922

This Convention renumbered the canon as Canon 60 and amended it by striking out all of the first article after the word "Church" in the fifth line and inserting in place thereof the following:

Until a Presiding Bishop is elected in accordance with the Constitution, the Presiding Bishop of the Church shall be the honorary President of the Society.

Article II, Sec. 1, was rewritten and became Article II. A new article, numbered III, was added to the canon; and Article II, Sec. 1, became Article IV.

The new Article III provides for the officers of the Society, and prescribes that these officers shall be the persons who are the respective officers of the National Council.

CONVENTION OF 1931

At this Convention the canon was renumbered Canon 59 and amended to read substantially as at present, there being slight differences between Article III governing officers and the present Article III.

CONVENTION OF 1937

Article III was amended to read as at present except that in the second sentence the words were ". . . the Vice-President shall be the person who is the Vice-President of the National Council in executive charge (under the Presiding Bishop) of administration and shall have such powers and perform such duties as may be assigned to him by the By-laws."

CONVENTION OF 1940

The canon was renumbered Canon 61 without amendment at this Convention.

CONVENTION OF 1943

At this Convention, in the rearrangement of canons, this was renumbered Canon 3 and amended to its present form.

EXPOSITION OF CANON 3

The Domestic and Foreign Missionary Society is the corporate body of the national Church, General Convention not being incorporated, and, until the formation of the Episcopal Church Foundation in 1949, the only corporate body for receipt of gifts and legacies for administration by national authority.

While all the powers and duties of the Domestic and Foreign Missionary Society are to be exercised by the National Council, who are made directors of the society, it was necessary to retain the prefatory matter of former Canon 59, and Article I of that canon, as well as to provide for the officers of the society, as the society was an incorporated body, holding the title to the real estate of said society. The only present function of the society is to act in the nature of a holding corporation.

The Missionary Society may be said to have had its actual beginning in the special Convention of 1821, when a constitution was adopted for its government. A constitution was indeed adopted in 1820, but it was so imperfect that it was found impossible to effect any organization of the society under its provisions.

In the first few years of its existence, the Church gave meagre support to its missionary work, and it was not until 1835 that the Church awoke to her responsibilities in the matter. The General Convention of that year enunciated two great principles: first, that every baptized member of the Church was a member of the society, and, second, that the whole world was her field of work. The constitution of the society was amended so as to make it more effective; a canon was enacted providing for the election of missionary bishops, and the whole Church began to be pervaded by a true missionary spirit.

It was not, however, until fifty years after the Missionary Society had been established, that the General Convention, in 1871, enacted

a Missionary Canon, and not until 1877, that the constitution of the society was enacted as a canon of the General Convention.

The General Convention of 1919, recognizing that it must assume the inherent responsibility for the whole work of the Church; that the work of religious education, and of Christian social service, were both different phases of missionary work and should, therefore, be co-ordinated and unified, and that there ought to be an active and responsible head to all this work, enacted a canon establishing "The Presiding Bishop and Council" to take the place of the former canon "Of the Domestic and Foreign Missionary Society," and to administer the work of missions, religious education, and Christian social service.

The present canon, Of the Domestic and Foreign Missionary Society, is simply the constitution of the society. The first article prescribes the name of the society, and who are to be considered as members thereof. Article II provides that the National Council shall be the directors of the society and shall adopt by-laws.

Article III provides for the officers of the society.

Article IV provides for the amendment of the constitution of the society.

CANON 4

Of the National Council

Function	SECTION 1. (a). The Presiding Bishop and the National Council as hereinafter constituted shall have charge of the unification, development, and prosecution of the Missionary, Educational, and Social Work of the Church, of which work the Presiding Bishop shall be the executive head.
Officers	(b). The officers of the National Council shall be a President, one or more Vice Presidents, a Secretary and a Treasurer, with such duties as the Council, pursuant to this Canon, from time to time, may prescribe.
National Council. How constituted.	SEC. 2. (a). The National Council, herein referred to as the Council, shall be composed of sixteen members elected by the General Convention, of whom four shall be Bishops, four shall be Presbyters, and eight shall be Laymen, two Bishops, two Presbyters, and four Laymen to be elected at each triennial meeting of the General Conven-

tion; of members elected by the Provincial Synods, each Synod having the right to elect one member at its last regular meeting prior to the triennial meeting of the General Convention; and of four members of the Woman's Auxiliary to the National Council to be nominated by it and elected at each triennial meeting of the General Convention. The President, the Vice Presidents and the Treasurer of the Council shall be *ex officio* members thereof.

Of the members to be elected by the General Convention, the Bishops shall be elected by the House of Bishops subject to confirmation by the House of Deputies, and the Presbyters and Laymen shall be elected by the House of Deputies subject to confirmation by the House of Bishops.

(b). The term of office of the members of the Council elected by the General Convention (other than *ex officio* members) shall be six years; the term of office of the members of the Council elected by the Provincial Synods shall be three years; and the term of office of the members of the Council nominated by the Woman's Auxiliary shall be three years. The term of office of all members elected as above provided shall commence immediately upon their election and their written acceptance thereof filed with the Secretary of the National Council. Members shall remain in office until their successors are elected and qualified. After any person shall have served six consecutive years on the National Council, a period of three years shall elapse before such person shall be eligible for re-election to the Council.

Term of
office

Should any vacancy occur in the Council through the death or resignation of a member elected by the General Convention or through the change in status of any such member by consecration or ordination the Council shall fill such vacancy by the election of a suitable person to serve until his successor is elected by the General Convention. The General Convention shall elect a suitable person to serve the portion of any term which will remain unexpired.

Vacancies.
How filled

Should any vacancy occur in the Council through the failure of any Provincial Synod to elect a member, or through the death, resignation or removal from the Province, of any such member, the President and Executive

Council of the Province shall appoint a suitable person, canonically resident in such Province, to serve until the Provincial Synod shall by election fill the vacancy.

Should any vacancy occur in the Council through the death or resignation of a member elected from the Woman's Auxiliary to the National Council, the Executive Board of the Woman's Auxiliary shall nominate a suitable person to fill the portion of the term which will remain unexpired.

Powers of
Council

(c). The Council shall exercise the powers conferred upon it by Canon, and such further powers as may be designated by the General Convention, and between sessions of the General Convention may initiate and develop such new work as it may deem necessary. It may, subject to the provision of this Canon, enact By-laws for its own government and the government of its several departments.

In its capacity as the Board of Directors of The Domestic and Foreign Missionary Society, the Council shall have the power to direct the disposition of the moneys and other property of said Society in accordance with the provisions of this Canon and the orders and budgets adopted or approved by the General Convention.

Officers of
Council

SEC. 3. The Presiding Bishop shall be *ex officio* the President, and the Treasurer of The Domestic and Foreign Missionary Society shall be *ex officio* the Treasurer, of the Council. The Council shall elect the Vice Presidents and the Secretary, such elections to be upon the nomination of the President. The additional officers, agents, and employees of the Council shall be such and shall perform such duties as the Presiding Bishop and the Council may from time to time designate.

Meetings

SEC. 4. (a). The Council shall meet at such place, and at such stated times, at least three times each year, as it shall appoint and at such other times as it may be convened. The Council shall be convened at the request of the President, or on the written request of any nine members thereof.

Quorum

(b). Nine elected members of the Council shall be necessary to constitute a quorum at any meeting of the Council.

SEC. 5. (a). With the exception of the salary of the President the salaries of all officers of the Council and of all agents and employees of the Council, shall be fixed by the Council and paid by the Treasurer.

Salaries

(b). The salary of each Bishop of a Missionary District shall be paid by the Treasurer. Such salary shall date from the Bishop's consecration or from the date of his translation, if he be already consecrated, and shall not be diminished without his consent while such Bishop remains in charge of a District. Every Missionary District shall bear a part of the expense of the salary of its Bishop, the amount to be fixed from time to time by the National Council and charged against the District in such manner as may be most convenient.

Salaries of
Missionary
Bishops

SEC. 6. (a). The Council shall submit to the General Convention at each regular session thereof a program for the triennium, including a detailed budget of that part of the program for which it proposes to make appropriation for the ensuing year, and estimated budgets for the two succeeding years. In connection with the preparation of such budget the National Council shall, at least fifteen months before the session of the General Convention, transmit to the President of each Province a statement of its existing appropriations for the Dioceses and Missionary Districts within such Province, showing the items for which such appropriations are expended, for the purpose of obtaining the advice of the Province as to changes therein. The Synod, or Council, of each Province shall thereupon, in such manner as the Synod shall determine, consider such budget and report its findings to the National Council for its information. After the preparation of the budget the National Council shall, at least four months before the session of the General Convention, transmit to the Bishop of each Diocese and each Missionary District a statement of the existing and the proposed appropriations for all items in the budget. The National Council shall also submit to the General Convention with the budget a plan for the apportionment to the respective Dioceses and Missionary Districts of the sum needed to execute the program.

Program,
Budgets and
Apportion-
ment

Joint
Sessions
for the
presentation
of program

(b). There shall be joint sessions of the two Houses for the presentation of such program; and thereafter consideration shall be given and appropriate action taken thereon by the General Convention. The Council shall have the power to expend all sums of money covered by the budget and estimated budgets approved by the Convention, subject to such restrictions as may be imposed by the General Convention. It shall also have power to undertake such other work provided for in the program approved by the General Convention, or other work under the jurisdiction of the Council, the need for which may have arisen after the action of the General Convention, as in the judgment of the Council its income will warrant.

Notice of
allotted
objectives
to be given

(c). Upon the adoption by the General Convention of a program and plan of apportionment for the ensuing triennium, the Council shall formally advise each Diocese and Domestic Missionary District with respect to its proportionate part of the estimated expenditure involved in the execution of the program in accordance with the plan of apportionment adopted by the General Convention. Such objectives shall be determined by the Council upon an equitable basis.

Diocese
to allot
objectives to
Parishes

(d). Each Diocese and Missionary District shall thereupon notify each Parish and Mission of the amount of the objective allotted to such Diocese or District, and the amount of such objective to be raised by each Parish or Mission. Each Diocese and Missionary District shall present to each Parish and Mission a total objective which shall include both its share of the proposed Diocesan Budget or that of the Missionary District and its share of the objective apportioned to the Diocese or Missionary District by the National Council in accordance with the plan adopted by the General Convention. The division of all funds which the Diocese or Missionary District receives for these purposes shall be strictly in accordance with the proportion which the total proposed budget of the Diocese or Missionary District bears to the total objective presented on behalf of the National Council.

Report
Form

(e). The National Council shall approve a standard form for use in Dioceses and Missionary Districts, for the pur-

pose of showing receipts and the distribution of receipts for all purposes. Each Diocese and Missionary District shall annually report to the National Council all receipts and the distribution of such receipts on the standard form.

SEC. 7. (a). Every Missionary Bishop, or in case of a vacancy, the Bishop in charge of the District, receiving aid from the Council, shall report at the close of each fiscal year to the Council, giving account of his work, of money received from all sources and disbursed for all purposes, and of the state of the Church in his District at the date of such report, all in such form as the Council may prescribe.

Bishops
receiving aid
to report to
Council

(b). Every Bishop of a Diocese receiving aid from the Council shall report at the close of each fiscal year to the Council giving account of the work in his Diocese supported in whole or in part by the Council.

SEC. 8. The Council, as soon as practicable after the close of each fiscal year, shall make and publish a full report of its work to the Church. Such report shall contain an itemized statement of all receipts and disbursements and a statement of all trust funds and other property of The Domestic and Foreign Missionary Society, and of all other trust funds and property in its possession or under its control. The Council shall make a like report including a detailed schedule of the salaries paid to all officers, agents and principal employees, to each General Convention.

Reports of
the Council

SEC. 9. No person shall, under any power or authority delegated by this Canon, be appointed a Missionary, who is not, at the time, a Minister or a Member of this Church, or of some Church in communion with this Church, in regular standing; *Provided, however*, that, at the request of the Bishop of a Diocese or Missionary District, other persons not so qualified may be employed in exceptional cases.

Eligibility as
Missionaries

SEC. 10. All Canons or parts of Canons inconsistent with the provisions of this Canon are hereby repealed.

This canon as adopted in 1922 was Canon 61 entitled "Of the Presiding Bishop and National Council."

The keynote is found in Section 1 (a), now entitled Function, which as Section 1 (i) of Canon 61 read as it now does except that the Presiding Bishop was made "administrative" as well as "executive head" of the "Missionary, Educational, and Social work in the Church."

CONVENTION OF 1919

Although the report of the Joint Commission on Missionary Organization and Administration, recommending radical changes therein, made to the Convention of 1916, failed to be approved by that Convention, there was a strong and growing sentiment in the Church that there ought to be a co-ordination of the missionary, religious education, and social service departments; also, there should be a closer relation between the Presiding Bishop, especially when that officer became an elected officer, and the several departments of the Church's work. Added to that was the feeling that the Board of Missions was no longer functioning as it ought, and that some different method of administering the Church's missionary work must be found if that work was to be successful in the future. None felt this more strongly than did the officers of the Board of Missions, and none advocated a change in methods more urgently than did they. It was recognized that if any changes therein were to be made by the General Convention of 1919, some concrete plan, embodied in a canon, must be presented to that Convention. Accordingly, early in the spring of 1919, committees from the Board of Missions, the General Board of Religious Education, and the Joint Commission on Social Service, met with the chairman of the Committee on Canons of the House of Deputies, for the purpose of formulating a canon that would co-ordinate the different departments of the Church's work, uniting them under one organization, of which the Presiding Bishop should be the chief executive, the actual as well as the nominal head. This joint special committee prepared a proposed canon which was introduced into the General Convention of 1919, and after having been amended by the Committee on Canons of both houses, meeting together, was finally enacted to read as follows:

CANON 60

OF THE PRESIDING BISHOP AND COUNCIL

Sec. 1. The Presiding Bishop and Council, as hereinafter constituted, shall administer and carry on the Missionary, Educational, and Social work of the Church, of which work the Presiding Bishop shall be the executive head.

Sec. 2. The Presiding Bishop and Council shall exercise all the powers of The Domestic and Foreign Missionary Society, as provided in Canon 59, Article

II., Section I., and have charge of the unification, development and prosecution of the work of Missions, Church Extension, Religious Education, and Christian Social Service; of the performance of such work as may be committed to them by the General Convention, and of the initiation and development of such new work between the sessions of the General Convention as they may deem necessary, subject, however, to the provisions of the Constitution and Canons and other directions of the General Convention.

Sec. 3. (i.) The Council shall be composed of the following members: sixteen to be elected triennially by the General Convention of the Church, of whom four shall be Bishops, four Presbyters, and eight Laymen, communicants of the Church, and of eight members to be elected by the Provincial Synods at their last meeting prior to the triennial meeting of the General Convention, each Synod having the right to elect one member, and of the Vice-President and Treasurer as hereinafter provided. The member of the Council representing each Province shall, in the year 1919, be elected by the Bishops and the Clerical and Lay Deputies attending the Convention of 1919 from the constituent Dioceses and Missionary Districts of such Province. In the event of a failure of any Provincial Synod to elect a member of the Council, election shall be made by the General Convention.

(ii.) Members of the Council shall remain in office until their successors are elected. The Presiding Bishop and Council shall have power to fill any vacancies that may occur through the death, resignation, or removal of any member elected by the General Convention. When a vacancy occurs in the representation of a Province, save when the same happens within one month prior to a meeting of the Synod thereof, the Presiding Bishop and Council shall fill such vacancy by the appointment of a person, canonically resident in such Province, who shall hold office until his successor is elected.

Sec. 4. Until a Presiding Bishop shall have been elected in accordance with the provisions of the Constitution, a Bishop shall be elected in like manner to exercise the powers assigned in this Canon to the Presiding Bishop as President of the Council.

Sec. 5. The Council may, in its discretion, elect one of its own members or any other male communicant of the Church, whether clerical or lay, to be Vice-President of the Council, and prescribe his duties. The Vice-President, when elected, if not already a member of the Council, shall become, *ex officio*, a member thereof. The Presiding Bishop and Council shall also elect a Secretary.

Sec. 6. The Presiding Bishop and Council shall organize from the membership of the Council the following Departments, and shall determine the scope of the work of each Department.

First: A Department of Missions and Church Extension.

Second: A Department of Religious Education.

Third: A Department of Christian Social Service.

Fourth: A Department of Finance.

Fifth: A Department of Publicity.

The Presiding Bishop and Council shall have power to organize such other Departments as the work may demand.

Each Department shall have power to appoint, subject to confirmation by the Presiding Bishop and Council, additional members of the Department, not to

exceed twelve in number, who shall have seats and votes in the Department, but without seats and votes in the Council. Women shall be eligible as additional members.

The Presiding Bishop shall be, *ex officio*, the chairman of each Department. The Presiding Bishop and Council may also enact all necessary by-laws for their own government, and for the government of the several Departments, subject to the provisions of this Canon. Each Department shall make to the Presiding Bishop, annually, and at such other times and in such form as he may require, a report of the work done under its direction.

Sec. 7. The Presiding Bishop and Council shall submit to each General Convention after the year 1919, for its approval and adoption, a budget for all the work, committed to them, including the general work of the Church, and for such other work as they may have undertaken, or purpose to undertake for the ensuing year, and a provisional estimate for each of the succeeding years. Provision shall also be made in the said budget for the necessary and reasonable expenses of the officers and members of the Council. Such budget and estimate shall be considered by the General Convention and appropriate action taken. The Presiding Bishop and Council shall have the power to expend all sums of money provided for in the budget as adopted by the General Convention. They also shall have power to expend any money actually received by them in any year over and above the amount required for the budget of that year for the work above described. The budget as adopted by the Convention shall be sent by the Presiding Bishop and Council to each of the Provinces, and to each Diocese and Missionary District within the Province. There shall be joint sessions of both Houses in each General Convention for the presentation of the subject relating to the work of the Departments as follows: Two for the Department of Missions and Church Extension, not exceeding two hours each; one for the Department of Religious Education not exceeding two hours; one for the Department of Christian Social Service not exceeding two hours; *Provided, however*, that the time allotted to any Department may be extended by the General Convention.

Sec. 8. The Council shall meet with the Presiding Bishop at such stated times as it, with his concurrence, shall appoint, at least four times a year, and at such other times as he shall convene it. Nine elected members of the Council, with the Presiding Bishop or Vice-President, shall constitute a quorum.

Sec. 9. The Treasurer of The Domestic and Foreign Missionary Society shall be the Treasurer of the Council. He shall hold office for three years, and until such time as his successor is elected, and shall be *ex officio*, a member of the Council. He shall be the Treasurer of all the funds collected and administered by the Presiding Bishop and Council.

Sec. 10. The Treasurer shall nominate such Assistant Treasurers as may be necessary, to be appointed by the Presiding Bishop and Council, to hold office during the pleasure of the Presiding Bishop and Council, or until their successors are appointed. The Treasurer and the Assistant Treasurers shall give bonds in such form and amounts as the Presiding Bishop and Council may determine. The accounts of the Treasurer and Assistant Treasurers shall be audited, annually, by certified public accountants.

Sec. 11. In the event of a vacancy occurring in the office of Treasurer between the sessions of the General Convention, the Presiding Bishop and Council shall

appoint a successor to act during the unexpired term, and until his successor is elected.

Sec. 12. Upon the nomination of a Department, the Presiding Bishop and Council may appoint an Executive Secretary and such other secretaries as may be necessary, who shall perform such duties as the Department shall assign to them, subject to the approval of the Presiding Bishop and Council. The persons so appointed shall hold office during the pleasure of the Presiding Bishop and Council.

Sec. 13. The salaries of all officers, other than that of the Presiding Bishop, shall be fixed by the Presiding Bishop and Council.

Sec. 14. Each Provincial Synod shall have the right to nominate for appointment by the Presiding Bishop and Council, one or more Provincial Secretaries who shall work under the direction of, and whose compensation shall be fixed and paid by the Presiding Bishop and Council. Such Secretaries shall hold office during the pleasure of the Presiding Bishop and Council.

Sec. 15. The Presiding Bishop and Council, in making an annual apportionment or an annual appropriation, if requested by the Province, shall make such apportionment or appropriation for and from the several funds in each Department, for subdivision by the Synod thereof. *Provided*, that in the case of Alaska and extra-continental Districts, all appropriations shall be made and paid to them direct. Each Province shall make a full report to the Presiding Bishop at the close of each fiscal year of the condition of its work. The sums appropriated as herein provided shall be paid by the Treasurer of the Presiding Bishop and Council to the several Dioceses and Missionary Districts within each Province. In making appropriations as provided herein, the Presiding Bishop and Council shall not appropriate funds received for the work of one Department, for the prosecution of the work of any other Department.

Sec. 16. The Presiding Bishop and Council as soon as practicable after the close of each fiscal year, shall make and publish a full report to the Church of their work. This report shall contain an itemized statement of all receipts and disbursements, and a statement of all trust funds and other property of The Domestic and Foreign Missionary Society, and also of all other trust funds and property in their possession, or under their control. The Presiding Bishop and Council shall make a like report to the General Convention, which shall also include a detailed statement of the salaries paid to all principal officers.

Sec. 17. The salaries of all Bishops of Missionary Districts shall be paid by the Treasurer. Such salaries shall date from the time of the Bishop's consecration, or from the date of his translation, if already consecrated, and shall not be diminished while the Bishop remains in charge of a District, except with the consent of the said Bishop; *Provided, however*, that contributions made directly to Missionary Districts for the support of their Bishops shall be reported by the said Bishops to the Presiding Bishop and Council, and upon the receipt of such report, the amount paid by the Treasurer toward the salary of the Missionary Bishop shall be reduced to the extent of such contribution.

Sec. 18. Whenever the Presiding Bishop and Council shall be satisfied of the ability of a Missionary District to support its Bishop with a salary of not less

that that which he was then receiving, the Presiding Bishop and Council may, in their discretion, discontinue payment of a salary to the said Bishop.

Sec. 19. Every Missionary Bishop, or in case of a vacancy, the Bishop in charge of the District, shall report annually to the Presiding Bishop, and shall give an account of his proceedings, of money received from all sources, and disbursed for all purposes, and of the state of the Church in his District at the date of his report, at such time and in such form as the Presiding Bishop shall prescribe. Reports so made shall be submitted by the Presiding Bishop to the Council.

Sec. 20. No person shall be appointed a Missionary who is not, at the time, a Minister or a member of this Church, or of some Church in communion with this Church, in regular standing, except that the Presiding Bishop and Council may employ for work not directly religious, according to their discretion, and at the request of the Bishop of the Diocese or Missionary District, other persons not so qualified.

Sec. 21. (i.) The Bishop elected pursuant to Section 4 of this Canon, and the Council, shall enter upon the discharge of their duties on the first day of January, in the year of our Lord, 1920. They shall be the sole custodian of all the records of The Domestic and Foreign Missionary Society, and of the Board of Missions, and the said records shall be delivered to the said Council by the Board of Missions on or before the 31st day of December, 1919.

(ii.) The Presiding Bishop and Council shall likewise be the sole custodian of all the property, both real and personal, of The Domestic and Foreign Missionary Society, including all income therefrom.

(iii.) The Presiding Bishop and Council shall have power to disburse the money of The Domestic and Foreign Missionary Society in accordance with the provisions of the budget as adopted by the General Convention.

(iv.) The Joint Commission on Social Service, on or before the 31st day of December, 1919, shall transfer and deliver to the Council all of its records and property of whatever kind, to be used and expended by the Presiding Bishop and Council in accordance with the provisions of this Canon.

(v.) The Council shall also have power and authority to receive from the General Board of Religious Education any or all of its property, of whatever kind, to be used and expended by the Presiding Bishop and Council in accordance with the provisions of this Canon.

Sec. 22. Canon 59 is hereby repealed, the repeal to take effect January 1, 1920. All other Canons so far as the same are inconsistent with the provisions of this Canon are hereby repealed.

Sec. 23. This Canon shall take effect immediately.

The Convention of 1916 had ordered the Board of Missions to bring to the Convention of 1919 a detailed budget of expenditures for the first and two succeeding years of the coming triennium, which was a revolutionary step at that time.

Bishop Lloyd, president of the Board of Missions, had the vision to see what these instructions meant and the courage to act accord-

ingly. It was the beginning of the whole idea of a program of work to be done, instead of a sum of money to be raised. The budget would evolve in its proper perspective as the cost of executing the program.

Bishop Lloyd realized that in order to present such a program to the General Convention there must be a survey of all of the missionary work of the Church at home and abroad in order to find out what should go into the program and budget to be submitted in 1919.

He further realized that, in order to do a complete job, the Board of Missions must join with the General Board of Religious Education and the Joint Commission on Social Service and present the full needs of what he preferred to call "The Church's Mission." His thesis was that we were not dealing with three things but with three phases of the one mission of the Church.

Without any authority adequate to his vision, he took it upon himself to invite the general board and the joint commission to join in this unified survey and presentation to the 1919 Convention. Thus, was born the Nation Wide Campaign of 1919.

When the Convention was presented with a uniform program or plan of work, sentiment swung in favor of the proposed new canon because the Convention saw that it would take a National Council to administer such a program, and it is believed that Bishop Lloyd's leadership played a determining part in the decision of the Convention of 1919 to scrap all of its unrelated boards and agencies and adopt the unified council form of organization.

This canon was enacted after the Convention of 1919 had finally enacted the amendment to Article I of the Constitution providing for the election of the Presiding Bishop of the Church upon the expiration of the term of office of the then Presiding Bishop, and hence provision was made that such Presiding Bishop should be the executive head of the whole work of the Church. It was for this reason that the name "Presiding Bishop and Council" was adopted as expressing the administrative features of the canon.

CONVENTION OF 1922

Three years' experience under the Canon of 1919 showed, as it was expected, that certain amendments to the canon were advisable. The amending of Canon 60 of 1919 was referred to a special committee of the Presiding Bishop and Council, which committee decided to recast the whole canon, and submitted to the Presiding Bishop and Council

the draft of a proposed canon, which, having been approved by that body, was introduced into both houses of the Convention of 1922, and after being amended in both houses was finally enacted.

Section 1. (i.) as amended was practically the same as former Section 1, except that the name "National Council" was substituted for the former name "Council," and the Presiding Bishop was made the administrative as well as the executive head of the Church's work.

Section 1. (ii.) was former Section 4, amended so as to provide for the election of a president of the council in case of a vacancy in that office.

Section 2. (i.) was former Section 3 (i.), amended by providing that the National Council shall be known as the Council, and that the president, vice-president, and treasurer shall be *ex officio* members thereof. A new provision was incorporated in this clause, that at the General Convention of 1925 one-half of the members elected by the General Convention should be elected for terms of three years each, and the other half for terms of six years each, and thereafter members elected by the Convention to be elected for terms of six years each. The former provisions relating to the election of members in 1919 were stricken out as being no longer necessary.

Section 2. (ii.) was the former Section 3. (ii.) amended to provide that the term of office of members of the Council, except the president, until 1925, shall be three years, and that such term of office shall commence on the first day of January next after each regular meeting of the General Convention. The former provision that if a vacancy occurred in the representation of a province, except when such vacancy occurred within one month prior to the meeting of the synod of such province, the Presiding Bishop and Council might fill such vacancy, was stricken out, and the power of appointment to fill such vacancy placed in the hands of the president of the province. The causes of vacancies were also more definitely stated.

Section 2. (iii.) was former Section 2, amended by making the Council the custodian of all the records and property of the Domestic and Foreign Missionary Society, including the income therefrom, and giving it power to expend such income in accordance with the provisions of this canon, and the orders and budgets adopted or approved by the General Convention. It was also given power to enact by-laws for its own government and the government of the several departments, a power which was formerly contained in Section 6.

Section 3. (i.) was former Section 5, amended by making it mandatory upon the Presiding Bishop to appoint, subject to confirmation by the

Council, a vice-president, who shall be the vice-president of the several departments as well as of the Council, and who is to perform such duties as may be assigned to him by the Presiding Bishop. Under the former canon, the appointment of a vice-president was placed in the hands of the Council and made discretionary.

Section 3. (ii.) providing for the election of a secretary was practically the same as the last sentence of former Section 5.

Section 4. (i.) was a re-enactment of former Section 9, except that the last sentence thereof was stricken out.

Section 4. (ii.) was practically the same as the first sentence of former Section 10, but amended by giving the treasurer power to appoint his assistants, subject to confirmation by the Council, instead of giving the power of their appointment to the Council on nomination by the treasurer. Such assistants are to hold office during the pleasure of the treasurer, instead of during the pleasure of the Presiding Bishop and Council as before.

Section 4. (iii.) and (iv.) were practically the same as the last two sentences of former Section 10.

Section 4. (v.) was also practically the same as former Section 11.

Section 5. (i.) was the first part of former Section 6, amended by adding a new department, as follows: "*Fifth: A Field Department.*"

The Council was given power to combine existing departments, as well as to organize new departments.

Section 5. (ii.) was practically the same as the second paragraph of former Section 6.

Section 5. (iii.) and (iv.) were re-enactments of a part of the third paragraph of former Section 6, and former Section 12, but amended by giving to the Presiding Bishop, subject to confirmation by the Council, power to appoint an executive secretary for each department, and such other secretaries as may be necessary, who shall perform such duties as the department, subject to the approval of the Presiding Bishop, shall assign to them. These secretaries were to hold office during the pleasure of the Presiding Bishop. Under the provisions of the former canon, the Presiding Bishop and Council, upon nomination by the department, appointed the executive secretaries and such other secretaries as were necessary. Also, these secretaries were to perform such duties as might be assigned to them subject to the approval of the Presiding Bishop and Council.

Section 6. (i.) was former Section 8, except the last sentence thereof, but amended by changing the words "and at such other times as he may convene it," to "and at such other times as it may be convened." Also, the provision was inserted that the Council shall be convened at the written request of any nine members thereof.

Section 6. (ii.) was the last sentence of former Section 8, amended by adding the proviso that any nine members of the Council shall constitute a quorum for the election of a president to fill a vacancy.

Section 7. (i.) was former Section 13, amended by giving power to the Council to fix the salary of the president as well as of the other members of the Council, and authorizing the treasurer to pay such salaries. The former canon gave no power to the Council to fix the salary of the president.

Section 7. (ii.) contained the subject matter of former Sections 17 and 18, but amended by changing the words "that contributions made directly to Missionary Districts for the support of their Bishops," to "that all contributions made by a Missionary District for the support of its Bishop"; also, the words "after six months notice given to the Council of Advice of such District," were added to the clause. The former canon provided that the Council might discontinue the payment of the missionary bishop's salary when it was satisfied that the district was able to pay its bishop's salary, without any notice whatever.

Section 8. (i.), (ii.), and (iii.) contained the subject matter of former Section 7, but with radical amendments.

The former canon provided that the budget adopted by the General Convention should be sent to each province; the canon as amended did not make any provision for sending such budget to the several provinces.

The former canon made provision for four joint sessions of the two houses of Convention, the new canon for only such joint sessions as are necessary to consider the program and plan of apportionment submitted by the Presiding Bishop and the National Council. The Council was given power to undertake any work under the jurisdiction of the council, the need for which may have arisen after the action of the General Convention.

The Council was also directed to advise each diocese and missionary district with respect to its proportionate share of the estimated expenditure involved in the execution of the program and plan of apportionment adopted by the Convention. The Council was directed to deter-

mine the quotas allotted to the several dioceses and missionary districts upon an equitable basis.

Clause (iii.) was a new provision and was the occasion of a decided difference of opinion between the two houses of Convention. The House of Bishops desired that it should be made mandatory upon the several dioceses to meet the quota allotted to them, while the House of Deputies opposed the mandatory provision, and inserted the words "as far as practicable." The House of Bishops refused to incorporate these words in the canon, and a Committee of Conference was appointed which decided upon clause (iii.) as enacted.

The former canon, Section 15, provided that if requested by a province, the Presiding Bishop and Council were to make the annual apportionments and appropriations to such province in bulk, to be divided by the synod thereof among the several dioceses and missionary districts in such province. This provision was stricken out as it had been found not to be practicable.

Section 9. (i.) contained the subject matter of former Section 19, amended.

Section 9. (ii.), requiring the bishop of a diocese receiving aid from the Council to report annually concerning the work supported in whole or in part by the Council, was a new provision.

Section 10. was practically the same as former Section 16.

Section 11. was also practically the same as former Section 20.

Sections 14., 21., and 22., of the former canon were stricken out as being no longer necessary.

CONVENTION OF 1925

As already noted in discussing present Canon 2, the Convention of 1919 had amended the Constitution by making the office of Presiding Bishop elective.

In 1925 the second sentence of Section 1, (ii) was amended to read:

In case of the death or disability of the Presiding Bishop so much of his duties as pertains to the National Council shall be performed by a Bishop elected for this purpose by the National Council, to serve until the next General Convention.

CONVENTION OF 1928

Section 8 was rearranged by putting a portion of clause (i) in clause (ii), and clauses (ii) and (iii) were renumbered (iii) and (iv), respectively.

CONVENTION OF 1931

At this Convention the canon was renumbered Canon 59 and substantially amended.

Sec. 1. (ii.) was amended to read:

(ii.) The Presiding Bishop shall be, *ex officio*, the President of the Council. In case of a vacancy in the office of the Presiding Bishop, caused by death, resignation or in case of inability to serve, so much of his duties as pertain to the National Council shall be performed by the First Vice-President of the National Council, or in case of his death, resignation or inability to serve, the Second Vice-President of the National Council as President thereof, to serve until a Presiding Bishop shall have been elected in accordance with the constitution and shall have taken office.

Sec. 2. (i.) was amended to read:

(i.) The National Council, herein referred to as the Council, shall be composed of sixteen members elected by the General Convention, of whom four shall be Bishops, four shall be Presbyters, and eight shall be Laymen, two Bishops, two Presbyters, and four Laymen to be elected at each triennial meeting of General Convention; and of members elected by the Provincial Synods, each Synod having the right to elect one member at its last regular meeting prior to the triennial meeting of the General Convention. The President, the Vice-Presidents, and the Treasurer of the Council shall be *ex officio* members thereof.

Sec. 2. (ii.) was amended to read:

(ii.) The term of office of the members of the Council elected by the General Convention (other than the *ex officio* members) shall be six years, commencing on the ensuing first day of January and the term of office of the members elected by the Provincial Synods shall be three years, commencing on the first day of January following the ensuing regular meeting of the General Convention, and all such members shall remain in office until their duly elected successors are entitled, respectively, to assume their offices.

No member of the Council, elected by a Provincial Synod, who, at the expiration of his then current term will have served for six consecutive years shall be eligible for immediate re-election.

Should any vacancy occur in the Council through the death or resignation of a member elected by the General Convention or through the change in status of any such member by consecration or ordination, the Council shall fill such vacancy by the election of a suitable person to serve until his successor is elected by General Convention. The General Convention shall elect a suitable person to serve the portion of any term which will remain unexpired.

Should any vacancy occur in the Council through the failure of any Provincial Synod to elect a member, or through the death, resignation or removal from the Province, of any such member, the President and Executive Council of the Prov-

ince shall appoint a suitable person, canonically resident in such Province, to serve until the Provincial Synod shall by election, fill the vacancy.

Sec. 2. (iii.) Second paragraph was amended to read:

(iii.) In its capacity as the Board of Directors of the Domestic and Foreign Missionary Society, the Council shall have the power to direct the disposition of the moneys and other property of said Society in accordance with the provisions of this Canon and the orders and budgets adopted or approved by the General Convention.

Sec. 3. (i.) was amended to read:

(i.) The President shall appoint, subject to confirmation by the Council, two male communicants of the Church, either clerical or lay, to be Vice-Presidents of the Council who shall be *ex officio* members thereof. They shall be designated by the President and the Council as First and Second Vice-President, respectively. Each of such Vice-Presidents shall be the Vice-Chairman and a member of such of the Departments, organized under the provisions of Section 5 hereof, as may be assigned by the President and Council to his charge, and shall perform such other duties as may from time to time be assigned by the President.

Sec. 4. (ii.) was amended to read:

(ii.) The Presiding Bishop and the Council shall appoint such Assistant Treasurers as may be necessary, to hold office during their pleasure, and until their successors are appointed.

Sec. 4. (v.) which had dealt with a vacancy in the office of Treasurer was stricken out.

Sec. 5. (i.) was amended to read:

(i.) The Council shall organize the following executive Departments and shall define their duties:

First: A Department of Domestic Missions.

Second: A Department of Foreign Missions.

Third: A Department of Religious Education.

Fourth: A Department of Christian Social Service.

Fifth: A Department of Finance.

Sixth: A Department of Publicity.

Seventh: A Field Department.

The Council shall have power to combine existing departments and to organize and define the duties of such other departments as the work may demand.

Sec. 5. (ii.) was amended to read:

(ii.) Each Department may appoint, subject to confirmation by the Council, additional members as provided by the By-laws, who shall have seats and votes in

the Department, but shall have no seat or vote in the Council. Women shall be eligible by appointment as such additional members.

Sec. 5 was also amended by the addition of a new clause as follows:

The Council shall also organize an Advisory Commission on Ecclesiastical Relations, with such officers, attached thereto as the Presiding Bishop and the National Council may from time to time determine.

Sec. 6. (i.) was amended to read:

(i.) The Council shall meet with the Presiding Bishop at such place, and at such stated times, at least four times each year, as it, with his concurrence, shall appoint, and at such other times as it may be convened. The Council shall be convened at the request of the Presiding Officer or at the written request of any nine members thereof.

Sec. 6. (ii.) was amended to read:

(ii.) Nine elected members of the Council shall be necessary to constitute a quorum at any meeting of the Council.

Sec. 7. (ii.) was amended to read:

(ii.) The salary of each Bishop of a Missionary District shall be paid by the Treasurer. Such salary shall date from the Bishop's consecration or from the date of his translation, if he be already consecrated, and shall not be diminished without his consent while such Bishop remains in charge of a District.

Sec. 8. (ii.) was amended to read:

(ii.) There shall be joint sessions of the two Houses for the presentation of such program; and thereafter consideration shall be given and appropriate action taken thereon by the General Convention. The Council shall have the power to expend all sums of money covered by the budget and estimated budgets approved by the Convention, subject to such restrictions as may be imposed by General Convention. It shall also have power to undertake such other work provided for in the program approved by General Convention, or other work under the jurisdiction of the Council, the need for which may have arisen after the action of the General Convention, as in the judgment of the Council its income will warrant.

Sec. 11 was amended to read:

Sec. 11. No person shall, under any power or authority delegated by this Canon, be appointed a Missionary, who is not, at the time, a Minister or a member of this Church, or of some Church in communion with this Church, in regular standing: *Provided, however*, that at the request of the Bishop of a Diocese or Missionary District, other persons not so qualified may be employed in exceptional cases.

CONVENTION OF 1934

At this Convention the canon was renumbered Canon 60 and its title changed to "Of the National Council."

Sec. 1. (i.) was amended by striking out the first four words "The Presiding Bishop and" so that the clause began "The National Council, etc." These words now found in the canon were later restored.

It is also interesting to find this Convention striking out the words "of which work the Presiding Bishop shall be the executive and administrative head" and inserting a new clause (i.) in Section 3 providing for a president of the council elected by the House of Deputies subject to confirmation by the House of Bishops and that he shall be the executive and administrative head of the council. (The Bishop of Delaware was elected.)

Sec. 1. (ii.) was amended to make the Presiding Bishop *ex officio* chairman of the council and provided that he should preside when present.

Sec. 2. (i.) was amended to make the Presiding Bishop *ex officio* a member of the council and to provide that four members of the Woman's Auxiliary should be nominated by it and elected at each meeting of General Convention as members of the council.

Sec. 2. (ii.) was amended by striking out the prohibition against a member elected by a provincial synod serving more than six years.

Sec. 3. (ii.) was amended to provide one vice-president instead of two, a return to the provision of Canon 61 of 1922.

Sec. 3. (ii.) became clause (iii.).

Sec. 4. (i.) became Sec. 3 (iv.).

Sec. 4. (i.) was amended by striking the Presiding Bishop from the provision for appointment of assistant treasurers.

Sec. 5. (iii.) was amended by substituting the president instead of the Presiding Bishop as *ex officio* member and chairman of each department.

Sec. 5. (iv.) was amended to provide for departmental reports when the president or council may require.

Sec. 6. (i.) was amended to read:

The Council shall meet at such place, and at such stated times, at least four times each year, as it shall appoint and at such other times as it may be convened.

The Council shall be convened at the request of the Chairman of the Council, or by the President, or on the written request of any nine members thereof.

A new clause, now Sec. 6 (i.) of Canon 4, was added as Sec. 8 (v.) providing National Council shall approve a standard form for reports of dioceses and missionary districts.

By these amendments the Presiding Bishop *and* National Council were separated temporarily, and he went from president to chairman of the board.

CONVENTION OF 1937

At this Convention there was a return to the old order.

Sec. 1. (i.) was amended to read:

The Presiding Bishop and the National Council as herein after constituted shall have charge of the unification, development and prosecution of the Missionary, Educational, and Social Work of the Church, of which the Presiding Bishop shall be the executive head.

This was a return to 1922 save that the Presiding Bishop is now "executive" rather than "executive and administrative head."

Sec. 1. (ii.) was amended to read:

The officers of the National Council shall be a President, a First and a Second Vice-President, a Secretary, and a Treasurer, with such duties as the Council, pursuant to this Canon, from time to time, may prescribe.

This created a second vice-president and omitted assistant secretaries and treasurers.

The last sentence of Sec. 2 (i.) was amended to read:

The President, the Vice-Presidents and the Treasurer of the Council shall be *ex officio* members thereof,

and the word "the" was inserted before "General Convention" in two places.

In the fourth paragraph of Sec. 2 (ii.) the word "nominate" was substituted for the word "elect" with reference to members from the Woman's Auxiliary as an editorial correction.

Sec. 3 was amended to read:

The Presiding Bishop shall be *ex officio* the President, and the Treasurer of the Domestic and Foreign Missionary Society shall be *ex officio* the Treasurer of the Council. The Council shall elect the First and the Second Vice-President and the Secretary, such elections to be upon nomination of the President. The addi-

tional officers, agents and employees of the Council shall be such and perform such duties as the Presiding Bishop and the Council may from time to time designate.

Sec. 4 and Sec. 5 were stricken out. These provided for assistant treasurers and executive departments.

Sec. 6 was renumbered Sec. 4 and clause (i.) was amended to read:

The Council shall meet at such place and such stated times at least four times each year as it shall appoint and at such other times as it may be convened. The Council shall be convened at the request of the President or on the written request of any nine members thereof.

Sec. 7 was renumbered Sec. 5 and clause (i.) was amended to read:

With the exception of the salary of the President the salaries of all officers of the Council and all agents and employees of the Council, shall be fixed by the Council and paid by the Treasurer.

Sec. 8 was renumbered Sec. 6, and clauses (iii.) and (iv.) were amended to read:

(iii.) Upon the adoption by the General Convention of a program and plan of apportionment for the ensuing triennium, the Council shall formally advise each Diocese and Domestic Missionary District with respect to its proportionate part of the estimated expenditure involved in the execution of the program in accordance with the plan of apportionment adopted by the General Convention. Such objectives shall be determined by the Council upon an equitable basis.

(iv.) Each Diocese and Missionary District shall thereupon notify each Parish and Mission of the amount of the objective allotted to such Diocese or District, and the amount of such objective to be raised by such Parish or Mission. Each Diocese and Missionary District shall present to each Parish and Mission a total objective which shall include both its share of the proposed Diocesan budget or that of the Missionary District and its share of the objective apportioned to the Diocese or Missionary District by the National Council in accordance with the plan adopted by the General Convention. The division of all funds which the Diocese or Missionary District receives for these purposes shall be strictly in accordance with the proportions which the total proposed budget of the Diocese or Missionary District bears to the total objective presented on behalf of the National Council.

By the amendment of clause (iv.) the objective presented to a parish or mission was made to include its share of both national and diocesan or district budgets and disposition of diocesan and district receipts was regulated.

Sections 9 to 12, inclusive, were renumbered Sections 7 to 10.

CONVENTION OF 1940

At this Convention the canon was renumbered Canon 62.

Sec. 1. (ii.) was amended to read:

The officers of the National Council shall be a President, a Vice-President in charge of Administration, a Vice-President in charge of Promotion, a Secretary, and a Treasurer, with such duties as the Council, pursuant to this Canon, from time to time, may prescribe.

Sec. 3 was corrected to conform to these changes by striking out the words "First and a Second" and changing "Vice-President" to "Vice-Presidents."

Sec. 2 (ii.) was amended by substituting for the words "on the first day of January following their election" the words "immediately upon their election and their written acceptance thereof filed with the Secretary of the National Council."

CONVENTION OF 1943

In the rearrangement of canons, this canon became Canon 4.

On recommendation of the Council, Sec. 1 (b) was amended to read:

The officers of the National Council shall be a President, one or more Vice-Presidents, a Secretary, and a Treasurer, with such duties as the Council, pursuant to this Canon, from time to time, may prescribe.

Accordingly, it ceased to be mandatory that the heads of administration and promotion be vice-presidents.

A new and important provision was added to Sec. 2 (b) as a final sentence:

After any person shall have served six successive years on the National Council, a period of three years shall elapse before such person shall be eligible for re-election to the Council.

Thus, members elected by provincial synods or nominated by the Woman's Auxiliary may serve two consecutive terms of three years each and those elected by the General Convention may not serve consecutive terms.

Sec. 5 (b) was amended by adding the following sentence:

Every Missionary District shall bear a part of the expense of the salary of its Bishop, the amount to be fixed from time to time by the National Council and charged against the District in such manner as may be most convenient.

CONVENTION OF 1946

At this Convention Sec. 2 (a) was amended by the addition of a second paragraph reading:

Of the members elected by the General Convention, the Bishops shall be elected by the House of Bishops subject to confirmation by the House of Deputies, and the Presbyters and Laymen shall be elected by the House of Deputies subject to confirmation by the House of Bishops.

Sec. 4 (a) was amended by substituting the word "three" for the word "four" in the second line.

Sec. 6 (a) was amended by inserting the following new sentence:

After the preparation of the budget the National Council shall, at least four months before the session of the General Convention, transmit to the Bishop of each Diocese and each Missionary District a statement of the existing and the proposed appropriations for all items in the budget.

Prior to the amendment of Sec. 2 (a), it was the practice for a joint nominating committee of bishops and clerical and lay deputies to receive and submit nominations, after which an election was held in the House of Bishops in which the House of Deputies then concurred.

At the Convention of 1946, before the amendment took effect, the election took place first in the House of Deputies.

The amendment of Sec. 4 (a) reduced the required number of meetings of the council per year from four to three.

The amendment of Sec. 6 (a) gives the bishops of dioceses and missionary districts an opportunity to examine the proposed budget before the Convention.

At this Convention a resolution from the Convocation of the Missionary District of North Texas was presented in both houses asking that the Convention give consideration to a new canon that would give the missionary districts at least one bishop, one presbyter, and one layman as their representatives on the Council. In the House of Bishops the Committee on Domestic Missions and in the House of Deputies the Committee on Canons reported their opinions that the proposed legislation was unnecessary.

CONVENTION OF 1949

Amendment of Sec. 2 (c) and Sec. 6 (d) and the addition of a new Sec. 6 (f) were proposed in the House of Deputies and, on recom-

mentation of the Committee on Canons, not adopted. (*Jour. Con.* 1949, pp. 160-162)

CONVENTION OF 1952

The Diocese of Maine having presented a memorial proposing the amendment of Canon 4, Sec. 6, by deleting the third sentence of subdivision (d), and the matter having been referred to the Committee on Canons in the House of Deputies, which reported the resolution without recommendation, the matter was laid on the table. Thus perished an effort to destroy a partnership between the national Church and its component parts *by legislation*.

At the request of the National Council, on the recommendation of its Department of Finance, Canon 4, Sec. 6 (e) was amended to read:

(e) The National Council shall approve a standard form for uses in Dioceses and Missionary Districts, for the purpose of showing receipts and the distribution of receipts for all purposes. Each Diocese and Missionary District shall annually report to the National Council all receipts and the distribution of such receipts on the standard form.

EXPOSITION OF CANON 4

Canon 60 of the Canons of 1919, with the amendments made by the Convention of 1922, marks a greater change in the policy of the American Church than any other canon ever enacted by General Convention, and is one of the greatest pieces of constructive legislation, if not the greatest, ever enacted by that body since the first General Convention of 1789.

The American nation and the American Church began their life at the same time. In the beginning, one was a confederation of independent states, and the other, to some extent, a confederation of congregations. In both cases, there was a strong opposition to any form of centralized government. In each case, there was as little of executive authority provided for as conditions would permit. But the parallel between the nation and the Church ceases soon after the beginning of each. Gradually, there was either granted to the executive branch of the national government, or else assumed by it, additional power and authority. But the Church did not keep pace with the nation in this matter. The Church began her national life with practically no executive head, and with no central governing power, save

only the General Convention, meeting once in three years, and whose functions were chiefly legislative, not executive.

As she began, so she continued in great measure for one hundred and thirty years, until the General Convention of 1919, when in one fell swoop she discarded all her past traditions in the matter of executive government, and by the enactment of Canon 60, erected a strong form of centralized government. To one central body the Church committed the administration of her work, giving to the Presiding Bishop and the National Council not only the performance of such works as the General Convention may commit to that body, but also the power to initiate and develop such new work as it may deem necessary. In the initiation and development of such new work, the Presiding Bishop and the National Council are restricted only by the provisions of the Constitution and Canons and such directions as may be given to it by the General Convention; but outside of these restrictions, there is a large field in which the Presiding Bishop and the National Council may act, unhampered by any restraints.

Nine elected members are necessary to form a quorum for the transaction of business.

The Presiding Bishop is the executive and the administrative head of the missionary, educational, and social service work of the Church.

The Council is composed of twenty-eight elected members, together with the president, vice-president, and treasurer, who are *ex officio* members. Sixteen members are elected by the General Convention, one member by each of the provincial synods, and four members nominated by the Woman's Auxiliary. Provision is made that eight of the members elected by the General Convention shall be laymen. The provincial synods are not restricted in their choice of a member of the Council: he may be a bishop, presbyter, layman, or woman.

The Council is made the custodian of all the records and property of the Domestic and Foreign Missionary Society and given power to expend the income of the society in accordance with the provisions of the canon, as well as all sums of money covered by the budget and estimated budgets approved by General Convention. The Council is given power to undertake such new work during the interim between sessions of General Convention as it may deem necessary. The Council may organize such departments as it may deem the work demands, and also combine existing departments. It is made the duty of the Council to advise each diocese and missionary district of its propor-

tionate part of the estimated expenditure necessary to execute the plan of apportionment adopted by the General Convention.

The Council elects the secretary and confirms the appointees of the president, and also the appointees of the several departments.

The Council fixes the salaries of its officers, agents, and employees with the exception of the President.

The Council is directed to submit to the General Convention at each regular session thereof a program of its proposed activities for the ensuing three years, together with a detailed budget for the ensuing year, and estimated budgets for the two succeeding years. The Council is also directed to publish a full report of its work at the close of each fiscal year.

Beginning with 1925, one-half of the members elected by the General Convention were elected for three years, and one-half for six years, and thereafter those to be elected at each Convention will be elected for six years.

The amendment of Section 5, striking out the requirement of departments composed of members, was of great importance since it abolished mandatory departments and made possible the creation of departments in charge of salaried staffs.

Prior to this amendment every time a change was desired in the name of a department or division of the work General Convention had to amend the canon. This amendment obviated the need of frequent amendment and left the Council free to take care of the matter under its by-laws.

The power of the Council to spend money and undertake new work has remained the same since the canon was adopted in 1922, although effort has been made to curtail it.

CANON 5

Of the Mode of Securing an Accurate View of the State of this Church

Ministers to
make annual
reports to
Bishop

Section 1. A report of every Parish and other congregation of this Church shall be prepared annually for the year ending December 31st preceding, upon the blank form adopted by the General Convention, and shall be sent not later than February 1st to the Bishop of the Diocese or Missionary

District, or, where there is no Bishop, to the Secretary of the Diocese or District. In every Parish the preparation and delivery of this report shall be the joint duty of the Rector and Vestry, and in every other congregation the duty of the Minister in charge thereof. This report shall include the following information: (1) the number of baptisms, confirmations, marriages, and burials during the year; the total number of baptized persons and communicants in good standing at the time of the report; and for all purposes the number of members of the Church shall be deemed to be the number of baptized persons; (2) a summary of all receipts and expenditures, from whatever source derived, and for whatever purpose used; and (3) a statement of the property held by the Parish, whether real or personal, with an appraisal of its value, together with a statement of the indebtedness of the Parish, if any, and of the amount of insurance carried. And every Minister not in charge of any Parish or Congregation shall also report his occasional services, and if there have been none, the causes or reasons which have prevented the same. And these reports, or such parts of them as the Bishop may deem proper, shall be entered in the Journal.

Information
to be
included

Non-
parochial
Clergy to
report

Sec. 2. It shall be the duty of the Secretary of the Convention of every Diocese and of the Convocation of every Missionary District to forward to the Secretary of the House of Deputies immediately upon publication the Journals of the Convention of the Diocese or Convocation of the Missionary District, together with Episcopal charges, statements and such other papers as may show the State of the Church in his Diocese or Missionary District. It shall also be his duty, immediately after the adjournment of the Diocesan Convention or the Convocation of a Missionary District next preceding the regular meeting of every General Convention, to prepare and forward forthwith to the Secretary of the House of Deputies, upon the blank provided for that purpose, which shall conform to the reports required in the previous Section of this Canon, a condensed summary of the statistics contained in the Parochial reports and Bishop's statements, with information as to all institutions in any way connected with the Church within the Diocese or

Secretaries of
Conventions
to forward
Journals,
etc.,
to Secretary
of House of
Deputies

Reports on
the state of
the Church

Missionary District, and also as to the condition of all invested funds and the amount of all contributions received and expended by the Bishops, or otherwise within the Diocese or District. Such information shall be tabulated separately for each of the three years. The Secretary of the House of Deputies shall, as soon as may be, present these papers to the House, and a committee shall be appointed to prepare and present to the House a report on the State of the Church, which report, when agreed to by the said House, shall be sent to the House of Bishops.

CONVENTION OF 1804

The first legislation of General Convention on the subject of this canon was by the Convention of 1804, which enacted Canon 11 of that year, with the title "Providing for an accurate view of the State of the Church from time to time," and which read as follows:

As a full and accurate view of the State of the Church, from time to time, is highly useful and necessary, it is hereby ordered, that every minister of this Church shall present or forward, at every annual Convention, to the Bishop of the Diocese, or, where there is no Bishop to the President of the Convention, a particular account of the state of his parish or Church; and these parochial reports shall be read, and entered on the Journals of the Convention. At every General Convention, the Journals of the different State Conventions, since the last General Convention, together with such other papers, viz., Episcopal charges, addresses, and pastoral letters, as may tend to throw light on the state of the Church in each Diocese, shall be presented to the House of Clerical and Lay Deputies. And the parochial reports inserted on those journals together with the Episcopal addresses and the Episcopal registers, specified in the 2nd Canon of 1801, shall be read in the said House. These journals and documents shall then be sent by the House of Clerical and Lay Deputies to the House of Bishops, who shall be requested to draw up a view of the state of the Church, adding such remarks or counsel as they may think proper: the whole in the form of a Pastoral Letter from the House of Bishops, which shall be read in the House of Clerical and Lay Deputies, and printed with the Journals of the Convention, for the general information of the Church.

It shall be the duty of the Secretary of the Convention of every Diocese or state, or of the person or persons with whom the journals, or other Ecclesiastical papers are lodged, to forward to the House of Clerical and Lay Deputies, at every General Convention, the documents and papers specified in this Canon. At the first General Convention held after the passing of this Canon, the Journals of the state Conventions, since the organization of those Conventions, with the Constitution and Canons of the Church in each state respectively, with all other useful Ecclesiastical documents, shall be presented to the House of Clerical and Lay Deputies, and sent, as before directed, to the House of Bishops.

CONVENTION OF 1808

The Convention of 1808 renumbered Canon 11 of 1804 as Canon 45 and amended it as follows:

The words, "a particular account of the state of his parish or Church," after the words "the president of the Convention" in the seventh line were stricken out and the following inserted in place thereof:

a statement of the number of baptisms, marriages, and funerals, and of the number of communicants in his parish or Church, and all other matters that may throw light on the state of the same.

It having been found under the provisions of the former canon that many clergymen failed to present complete reports of the state of their parishes, it was deemed best to state in the canon certain requirements.

The Convention also inserted a new sentence after the first sentence reading as follows:

At every annual State or Diocesan Convention, the Bishop shall deliver an address, stating the affairs of the Diocese since the last meeting of the Convention; the names of the churches which he has visited; the number of persons confirmed; the names of those who have been received as Candidates for Orders, and of those who have been ordained, suspended, or degraded; the changes by death, removal, or otherwise, which have taken place among the Clergy; and, in general, all matters tending to show light on the affairs of the Diocese; which address shall be inserted on the Journals.

The Convention further amended the canon by striking out all of the third and fourth sentences beginning with the words "and the parochial reports" and ending with the words "for the general information of the Church," and inserting in place thereof, the following:

And the parochial reports inserted on those journals, together with the Episcopal addresses, shall be read in the said House. And a particular inquiry shall be instituted into the state of the Church in each Diocese, and particularly into the attention paid to the Canons and rules of the Church. A Committee shall then be appointed to draw up a view of the state of the Church, and to make report to the House of Clerical and Lay Deputies; which report, when agreed to by the said House, shall be sent to the House of Bishops, with a request that they will draw up, and cause to be published, a Pastoral Letter to the members of the Church.

The last sentence of the former canon, beginning with the words "At the first General Convention after the passing of this Canon," was stricken out, as being no longer necessary, the purpose sought thereby having been fulfilled.

CONVENTION OF 1814

This Convention enacted the third canon of that year as follows:

That part of the forty-fifth Canon of 1808, which requires that the parochial reports, inserted on the journals of each State or Diocesan Convention, shall be read in the House of Clerical and Lay Deputies in General Convention, is hereby repealed.

It must have consumed much time as well as being exceedingly uninteresting to the deputies in General Convention to listen to the reading of the reports made to each diocesan convention. As they had been already read in the diocesan convention, which was naturally most interested in them, their reading in the General Convention would seem to have been a most useless proceeding. The General Convention was not so much interested in parochial details as it was in a general view of the condition of the Church in each diocese. We do not wonder, then, that the Convention should have repealed this requirement of the canon; our wonder is, that it should ever have been required.

CONVENTION OF 1820

This Convention enacted two canons having reference to Canon 45 of 1808, as follows:

CANON 1

That part of the forty-fifth Canon which requires the Episcopal addresses, inserted in the Journal of each State or Diocesan Convention, to be read in the House of Clerical and Lay Deputies in General Convention, is hereby repealed.

CANON 3

Whereas there is reason to fear that the Pastoral Letters issued from time to time, by the House of Bishops, and addressed to the members of the Episcopal Church, fail of their intended effect for want of sufficient publicity; it is hereby made the duty of every Clergyman having a pastoral charge, when any such letter is published, to read the same to his congregation on some occasion of public worship.

CONVENTION OF 1832

In the revision of the Digest of Canons by this Convention, the several canons of 1804, 1808, 1814, and 1820, above noted, were combined into one canon, numbered Canon 51, and amended as follows:

Sec. 1. As a full and accurate view of the state of the Church, from time to time, is highly useful and necessary, it is hereby ordered, that every Minister of this Church shall present or cause to be delivered, on or before the first day of every annual convention, to the Bishop of the Diocese, or, where there is no

Bishop, to the President of the Convention, a statement of the number of baptisms, confirmations, marriages, and funerals, and of the number of communicants in his parish or church, and of all matters that may throw light on the state of the same; and these parochial reports, or such parts of them as the Bishop shall think fit, shall be read and entered on the journals of the Convention.

This section is composed of the first sentence of the eleventh canon of 1804 as amended by the Convention of 1808.

Sec. 2. At every annual Diocesan Convention, the Bishop shall deliver an address, stating the affairs of the Diocese since the last meeting of the Convention; the names of the churches which he has visited; the number of persons confirmed; the names of those who have been received as candidates for Orders, and of those who have been ordained, suspended, or degraded; the changes by death, removal, or otherwise, which have taken place among the Clergy; and, in general, all matters tending to throw light on the affairs of the Diocese: which address shall be inserted on the journals.

This section comprises the amendment made to Canon 11 of 1804 by the Convention of 1808.

Sec. 3. At every General Convention, the journals of the different Diocesan Conventions since the last General Conventions, together with such other papers, viz. Episcopal charges, addresses, and pastoral letters, as may tend to throw light on the state of the Church in each Diocese, shall be presented to the House of Clerical and Lay Deputies. A Committee shall then be appointed to draw up a view of the state of the Church, and to make a report to the House of Clerical and Lay Deputies; which report, when agreed to by the said House, shall be sent to the House of Bishops, with a request that they will draw up and cause to be published, a pastoral letter to the members of the Church. And it is hereby made the duty of every Clergyman having a pastoral charge, when any such letter is published, to read the said pastoral letter to his congregation on some occasion of public worship.

This section comprised that part of Canon 11 of 1804, not included in Section 1, as amended by the Conventions of 1808, 1814, and 1820, except the last paragraph thereof. The last sentence of the section was practically the same as Canon 3 of 1820.

Sec. 4. It shall be the duty of the Secretary of the Convention of every Diocese, or of the person or persons with whom the journals or other ecclesiastical papers are lodged, to forward to the House of Clerical and Lay Deputies, at every General Convention, the documents and papers specified in this Canon.

This section contained the first sentence of the last paragraph of Canon 11 of 1804, unamended, except that the words "or state" were stricken out.

Sec. 5. It is recommended that the ecclesiastical authority of the Church in

every Diocese, prepare a condensed report and a tabular view of the state of the Church in their Diocese, previously to the meeting of every General Convention, for the purpose of aiding the Committee on the state of the Church, appointed by the House of Clerical and Lay Deputies, in drafting their report.

This was a new section.

CONVENTION OF 1835

This Convention amended the first section of Canon 51 by adding thereto the following:

And every other Clergyman not regularly settled in any parish or church, shall also report to the ecclesiastical authority of his Diocese, the occasional services he may have performed, and if he has performed no such services, the causes or reasons which have prevented the same.

An addition to the canon was proposed in the House of Deputies to provide for the securing of reports from clergymen who were chaplains in the Army and Navy, but owing to the large number of unemployed clergy, even at that early day, the House of Bishops deemed it wise to provide that all clergymen who did not have parochial charges, should make an annual statement to the bishop, of how they had employed themselves during the year, or, if they had done no clerical work, the reasons why they had been idle.

CONVENTION OF 1841

This Convention amended Section 1 of Canon 51 by transposing the last two sentences thereof and amending the last sentence to read as follows:

And these reports, or such parts of them as the Bishop shall think fit, may be read in Convention, and shall be entered on the Journals thereof.

The principal change made by this amendment was to authorize the bishop of a diocese to have the parochial reports read in the diocesan convention or such portions as he might see fit.

Section 5 was also amended by striking out the words,
ecclesiastical authority of the Church in every Diocese,

in the first line, and inserting in place thereof, the words,

The Bishop and Standing Committee of the Church in every Diocese, or, if there be no Bishop, the Standing Committee only.

CONVENTION OF 1853

Canon 51, renumbered Canon 8 in 1841, was renumbered Canon 12 by the Convention of 1853, and amended as follows:

Section 1 was amended to read:

Sec. 1. As a full and accurate view of the state of the Church, from time to time, is highly useful and necessary, it is hereby ordered that every Minister of this Church, or, if the Parish be vacant, the Wardens shall present, or cause to be delivered, on or before the first day of every annual Convention, to the Bishop of the Diocese, or, where there is no Bishop, to the President of the Convention, a statement of the number of Baptisms, Confirmations, Marriages and Funerals, and of the number of Communicants in his parish or Church, also the state and condition of the Sunday Schools in his parish, also of the amount of the communion alms, the contributions for missions, diocesan, domestic, and foreign, for parochial schools, for church purposes in general, and of all other matters that may throw light on the state of the same. And every other clergyman, not regularly settled in any parish or Church, shall also report the occasional services he may have performed; and if he has performed no such services, the causes or reasons which have prevented the same. And these reports, or such parts of them as the Bishop shall think fit, may be read in Convention, and shall be entered on the journals thereof.

The two purposes sought by this amendment were: first, that in the case of a vacant parish, the wardens were to make the parochial report; second, to provide for a fuller parochial report, requiring, in addition to the former requirements, a statement as to the Sunday school in the parish, the amount of the communion alms, and the contributions to missions, and for parochial schools.

Section 5 was also amended to read:

Sec. 5. It is recommended that the Bishop and Standing Committee of the Church in every Diocese, or if there be no Bishop, the Standing Committee only, prepare previously to the meeting of every General Convention, a condensed report, and a tabular view of the state of the Church in their Diocese, comprising therein a summary of the statistics from the Parochial Reports, and from the Bishop's Addresses, specifying the capitals and proceeds of the Episcopal Fund, and of all benevolent and Missionary associations of Churchmen within the Diocese, for the purpose of aiding the Committee on the state of the Church, appointed by the House of Clerical and Lay Deputies in drafting their reports.

CONVENTION OF 1859

This Convention made no amendment to Canon 12 of 1853, simply changing the numbering thereof, making it Title I, Canon 15.

CONVENTION OF 1862

This Convention amended Title I, Canon 15, by adding thereto a new section, as follows:

Sec. 6. All incorporated schools, all parochial schools, all academies and colleges, and all hospitals, asylums for orphans or other children, of either sex, maintained at the expense or conducted under the management of members of this Church, are expected to report annually to the Bishop of the Diocese at the annual Convention, such reports to be disposed of as the Parochial Reports; and at every General Convention the tabular view of the state of the Church in each Diocese, and the report of the Committee on the state of the Church, shall include the results of such reports.

CONVENTION OF 1874

This Convention renumbered the canon as Title I, Canon 17, and amended Section 5 as follows:

The words at the beginning of the section,

It is recommended that the Bishop and Standing Committee,
were stricken out, and these words inserted in place thereof:

It shall be the duty of the Bishop and Standing Committee.

Also, striking out all the words of said section after the words, "Bishop's Addresses" in the eighth line, and inserting in place thereof the following:

specifying, as far as possible, the capital and proceeds of the Episcopal Fund, and of all Benevolent and Missionary associations of Churchmen within the Diocese, and present the same to the Secretary of the House of Deputies on or before the first Monday of the session, for the purpose of aiding the Committee on the state of the Church, appointed by the House of Deputies, in drafting their reports.

By this amendment the provisions of this section, which before rested on recommendation only, were now made mandatory. Also, provision was made that the condensed summary of the parochial reports should be presented to the secretary of the House of Deputies at a specified time.

CONVENTION OF 1892

The Convention of 1892 renumbered this canon as Title I, Canon 20, and amended Section 5 to read as follows:

Sec. 5. It shall be the duty of the Secretary of the Convention in every Diocese to prepare immediately after the adjournment of the meeting of the Diocesan

Convention next preceding the Session of every General Convention, a list of the Clergy canonically resident therein and of persons admitted since the previous General Convention to the Order of Deacon or Priests and of persons deposed from the sacred ministry and of clergy that have died, and also a condensed report and tabular review of the state of the Church in said Diocese, comprising therein a summary of the statistics from the parochial reports, and from the Bishop's addresses, specifying as far as possible the capital and proceeds of the Episcopal fund and of the funds of all benevolent and missionary associations of Churchmen within the Diocese, and promptly to forward the same to the Secretary of the House of Deputies for the purpose of aiding the Committee on the State of the Church, appointed by the House of Deputies in drafting their report.

By this amendment, what was formerly made the duty of the bishop and standing committee regarding the forwarding of the condensed summary of the parochial reports to the secretary of the House of Deputies, was now made the duty of the secretary of the diocesan convention. Also, included in that summary, there was to be a canonical list of the clergy of the diocese, the candidates for orders, and the names of any of the clergy who had died or been deposed since the last session of the General Convention. Also, instead of this summary being delivered to the secretary of the House of Deputies on or before the first Monday of the session of the General Convention, it was to be forwarded to him promptly.

CONVENTION OF 1904

In the revision of the Digest of Canons by the Convention of 1904, Title I, Canon 20 was made Canon 47, and very materially amended. The six sections of the former canon were now combined into two sections. The first section, which covered the provisions of the first section of the former canon, was amended to read as follows:

Sec. 1. It shall be the duty of every Minister of this Church in charge of a Parish or Congregation, or, if there be no Minister in charge, of the Churchwardens, or other proper officer, to deliver, on or before the first day of every annual Convention to the Bishop of the Diocese, or, where there is no Bishop, to the Presiding Officer of the Convention, a report of the number of Baptisms, Confirmations, Marriages, and Burials, and the number of Communicants in the Parish or Congregation; of the condition of the Sunday schools; of all contributions for parochial purposes, for charities, for Missions, Diocesan, Domestic and Foreign, or for any purpose whatever; and of other matters that may throw light upon the state of the Parish or Congregation. And every Minister not in charge of any Parish or Congregation shall also report his occasional services; and if there have been none, the causes or reasons which have prevented the same. And these reports, or such parts of them as the Bishop may deem proper, shall be entered in the Journal.

The changes made by the amendment were merely verbal with a restatement of certain provisions.

The second section comprised the matter contained in Sections 3, 4, and 5 of the former canon, and read as follows:

Sec. 2. It shall be the duty of the Secretary of the Convention of every Diocese or Missionary District to forward to the Secretary of the House of Deputies, on or before the first day of each regular meeting of the General Convention, the Journals of the Conventions or Convocations of the Diocese or Missionary District since the last regular meeting of the General Convention, together with such other papers including Episcopal Charges, Statements and Pastoral Letters, as may tend to throw light upon the state of the Church in the Diocese or Missionary District. It shall also be his duty to prepare, immediately after the adjournment of the Diocesan Convention, or the Convocation of a Missionary District, next preceding the regular meeting of every General Convention, a list of the Ministers canonically resident therein, and of persons who, since the previous regular meeting of the General Convention, have been ordered Deacons or Priests, and of Ministers who have died, and of persons suspended or deposed from the Sacred Ministry; and also a condensed report and a tabular review of the state of the Church in the said Diocese or Missionary District, comprising a summary of the statistics from the parochial reports and from the Bishop's Statements, specifying, as far as possible, the statistics of all institutions of education or charity in any way connected with the Church within the Diocese or Missionary District, the condition of the ecclesiastical funds, and the amount of contributions within the Diocese or Missionary District, and of all contributions received by the Bishop for Church purposes; and these documents and statistics he shall thereupon forward to the Secretary of the House of Deputies. The Secretary of the House of Deputies shall, as soon as may be, present these papers to the House, and a Committee shall then be appointed to prepare and present to the House a report on the state of the Church, which report, when agreed to by the said House, shall be sent to the House of Bishops, with the request that they will draw up, and cause to be published, a Pastoral Letter to the members of the Church.

Sections 2 and 6 of the former canon, relating to the duty of the bishop to make an annual address to his diocesan convention, and the recommendation that all educational institutions, hospitals, etc., conducted under the management of members of the Church should make an annual report to the bishop, were repealed.

CONVENTION OF 1907

This Convention amended Section 1 of Canon 47 by inserting after the word "Congregation" in the tenth line the words "together with the whole number of souls under pastoral care," so that the sentence should read:

a report of the number of Baptisms, Confirmations, Marriages, and Burials, and

the number of Communicants in the Parish or Congregation, together with the total number of souls under pastoral care.

CONVENTION OF 1910

This Convention amended Section 2 of the canon by striking out the following words at the end of said section:

with the request that they will draw up and cause to be published a Pastoral Letter to the members of the Church.

This amendment was caused by the fact that the House of Bishops in the preceding Convention issued no pastoral letter due to certain circumstances which, in the minds of the said House, rendered it inadvisable to issue such letter. The House of Bishops at this next Convention adopted an amendment which would make it optional with the House of Bishops to issue a pastoral letter or not. The House of Deputies concurred in the amendment.

CONVENTION OF 1913

This Convention made a slight amendment to Section 1 of the canon, inserting the words "or Missionary District" after the word "Diocese," in the sixth line thereof.

CONVENTION OF 1916

The Convention of 1913 appointed a Joint Commission on Business Methods in Church Affairs and directed it to report to the Convention of 1916. This commission recommended that the General Convention "adopt a uniform form of report from the Dioceses to the General Convention." In accordance with this recommendation, the Convention amended the canon to read as it stands at present, except for the amendments to be noted later.

CONVENTION OF 1919

The Convention of 1919 amended Section 1 by adding after the word "report" and before (2) the following words:

and for all purposes the number of members of the Church shall be deemed to be the number of baptized persons.

The purpose of this amendment was to define the words "Church members" for statistical and other purposes, as there seemed to be some confusion in the use of the words "Church members," the words

sometimes being used to state the number of communicants, and at other times the number of baptized persons. It was represented that in reporting the number of communicants as the number of members of the Church, this Church was placed at a disadvantage, as some of the other religious bodies reported the number of their members as the number of baptized persons. As an instance of such disadvantage, it was pointed out that during the late war the Church did not obtain her due proportion of chaplains as compared with the Roman Catholic and Lutheran bodies, because those bodies reported the number of baptized persons as the number of their members, while the Church had reported the number of communicants as the number of her members.

The Convention adopted a further amendment to the canon by the addition of a new section as follows:

Sec. 3. It shall be the duty of the Secretary of the House of Deputies to furnish to all Compilers of Religious Statistics, publishers of Year Books and Religious or other publications desiring them, the figures of the total number of baptized persons as indicating the membership of this Church.

Through some oversight this amendment failed to be incorporated in published editions of the Digest of Canons.

CONVENTION OF 1922

This Convention amended Section 2 of the canon by inserting after the word "purpose" the words:

which shall conform to the reports required in the previous Section of this Canon, and shall give . . .

This amendment was made to secure more uniform reports from the secretaries of the several diocesan conventions and missionary district convocations to the secretary of the House of Deputies, which they are required to make after the adjournment of such conventions or convocations held next preceding the meeting of the General Convention.

CONVENTION OF 1925

At this Convention the first two sentences of Section 1 were amended to read in their present form.

CONVENTION OF 1934

At this Convention the canon was renumbered Canon 50.

CONVENTION OF 1937

Section 2 was amended by moving the words "to prepare" from their former position to follow the word "Convention"; by deleting the words "and shall give"; and by adding a new sentence after the word "District" as follows: "Such information shall be tabulated separately for each of the three years." This is the present form.

CONVENTION OF 1940

The canon was renumbered Canon 52.

CONVENTION OF 1943

In the rearrangement of canons made at this Convention, this canon became Canon 5.

CONVENTION OF 1949

An amendment of Section 1 was adopted in the House of Bishops to read:

This report shall include the following information: (i) The number of baptisms, confirmations, marriages and burials during the year; the total number of baptized persons and communicants *in good standing* at the time of the report, etc.

In the House of Deputies the Committee on Canons recommended that the House not concur because it believed the amendment unnecessary and that it would tend toward confusion in the meaning of the words "in good standing." (The same words occur in Canon 18, Sec. 2.)

The House did not concur.

CONVENTION OF 1952

Canon 5, Sec. 1, governing parochial reports, was amended in the portion prescribing their contents to read in its present form.

A proposed amendment of the section, requested in a memorial from the Diocese of Pennsylvania, changing the date when such reports should be made from February first to March first was laid on the table in the House of Deputies.

In the House of Bishops the resolution of the Convention of Pennsylvania was presented and not adopted.

A resolution was adopted in the House of Bishops defining terms in parochial reports in a proposed new Section 2.

When this matter reached the House of Deputies its Committee on Canons reported it had considered the message from the House of Bishops and, because of the complexity of the questions presented and the lateness of the hour, recommended the House not concur. The House did not concur.

EXPOSITION OF CANON 5

It would seem as if there ought to be no difficulty in securing accurate and uniform reports of the state of the Church in every diocese and missionary district, under the provisions of this canon, but this does not appear to have been the case.

That the statistics should be misleading is no fault of the canon, which is clear and definite in its requirements, but is due to the carelessness or indifference of individual clergymen, and, in some cases, of diocesan secretaries. It may be that the establishing of a Bureau of Statistics might help to cure the evil. But no system, however perfect, will produce perfect results, unless it is used intelligently and by men careful to observe every requirement of the canons.

CANON 6

Of Business Methods in Church Affairs

Standard
Methods
Prescribed

SECTION 1. In every Diocese, Missionary District, Parish, Mission and Institution, connected with this Church, the following standard business methods shall be observed:

Deposit of
Funds

(1). Trust and permanent funds and all securities of whatsoever kind shall be deposited with a Federal or State Bank, or a Diocesan Corporation, or with some other agency approved in writing by the Finance Committee or the Department of Finance of the Diocese or Missionary District, under either a deed of trust or an agency agreement, providing for at least two signatures on any order of withdrawal of such funds or securities.

Proviso

But this paragraph shall not apply to funds and securities refused by the depositories named as being too small for acceptance. Such small funds and securities shall be under the care of the persons or corporations properly responsible for them.

(2). Records shall be made and kept of all trust and permanent funds showing at least the following: Record of Trust Funds

(a) Source and date.

(b) Terms governing the use of principal and income.

(c) To whom and how often reports of condition are to be made.

(d) How the funds are invested.

(3). Treasurers and custodians, other than banking institutions, shall be adequately bonded; except treasurers of funds that do not exceed five hundred dollars at any one time during the fiscal year. Treasurers to be bonded

(4). Books of account shall be so kept as to provide the basis for satisfactory accounting. Books of Account and Audits

(5). All accounts shall be audited annually by a Certified or Independent Public Accountant, or by such an accounting agency as shall be permitted by the Finance Committee or Department of Finance of the Diocese or Missionary District.

(6). All buildings and their contents shall be kept adequately insured. Adequate Insurance

(7). The Finance Committee or Department of Finance of the Diocese or Missionary District may require copies of any or all accounts described in this Section to be filed with it and shall report annually to the Convention of the Diocese, or Convocation of the Missionary District upon its administration of this Canon. Report to Convention or Convocation

SEC. 2. The several Dioceses and Missionary Districts shall give effect to the foregoing standard business methods by the enactment of Canons appropriate thereto, which Canons shall invariably provide for a Finance Committee or a Department of Finance of the Diocese or Missionary District. Dioceses and Districts to enforce by Canon

SEC. 3. No Vestry, Trustee, or other body, authorized by Civil or Canon law to hold, manage or administer real property for any Parish, Mission, Congregation, or Institution, shall encumber or alienate the same or any part thereof Power to encumber property restricted

(save for the refinancing of an existing loan) without the written consent of the Bishop and Standing Committee of the Diocese, or the Bishop and Council of Advice of the Missionary District, of which the Parish, Mission, Congregation, or Institution is a part, except under such regulations as may be prescribed by Canon of the Diocese or Missionary District.

CONVENTION OF 1916

This canon "Of Business Methods in Church Affairs" is a comparatively new canon, being first enacted by the General Convention of 1916. Its enactment was due to the recommendation of a joint commission appointed by the previous Convention "to examine the present business methods throughout the Church, and to promote the establishment of modern systems."

This commission made a very extended inquiry into the business methods employed throughout the Church, both in parishes and in dioceses, and reported that it had "evidence which in some cases shows exceedingly bad conditions, in more cases lax and unbusiness-like habits, and generally a lack of such system as is necessary for safety and for intelligent understanding of the work of the Church as a whole."

The commission reported that several distinct problems were involved under "business methods of the Church. First, as a problem in accounting; second, as a problem in administration; and third, as a problem in organization."

Among the recommendations of the commission were the following:

1. A uniform fiscal year beginning with the 1st of January, to be established.
2. That the Convention authorize and recommend a uniform form of report from Parishes to Dioceses.
3. That all accounts of Church organizations be audited at the close of each year either by a certified accountant, or an outside bookkeeper.
4. That all trust and permanent Church funds be deposited in trust with some Bank or Trust Co., or with a Corporation of the Diocese, and that a full and detailed statement of each Fund be published once a year.
5. That all Church property be adequately insured.
6. That each Diocese and Missionary District shall appoint a Finance Committee, to have general supervision of its finances, to be advisers of the Bishop in financial matters, and, upon request, to act as financial advisers to individual Parishes.
7. That a Church Finance Committee be appointed to aid in the establishment of this system.

To carry out these recommendations, the commission proposed a canon which was adopted by the Convention, and which was as follows:

Sec. 1. The fiscal year shall begin January 1st.

Sec. 2. All accounts, having to do with the receipt, and expenditure, or investments of money of all church organizations shall be audited at the close of each year by a certified public accountant; *Provided, however*, that if the amount of income for the year, as shown by the account shall be less than \$3,000, or if a certified accountant is not available, the audit may be made by an accountant bookkeeper in no way connected with the subject matter of the account.

Sec. 3. Each Diocese and Missionary District shall appoint at its next regular Convention or Convocation—provided one has not heretofore been appointed—and annually thereafter a Finance Committee for the following purposes:

(i) To maintain general supervision of the financial affairs of the Diocese or District; to secure simplicity and accuracy in collection and disbursement of all funds, and co-operation between the various officers, trusts and boards of the Convention or District; for which purpose it shall establish its own rules and keep a record of its meetings, all of which shall be submitted annually to the Convention or Convocation.

(ii) To act as advisor of the Bishop in financial matters; and, upon request, as advisor to individual parishes within the Diocese or District.

(iii) To perform such other duties relating to the business affairs of the Diocese or District as may be referred to it.

CONVENTION OF 1919

The Convention of 1919 amended this canon by the insertion of two new sections to be known as Sections 2 and 3; the present Sections 2 and 3, to be renumbered Sections 4 and 5; also, a new clause was inserted in the new Section 5 to be numbered (iii), the present (iii) to be renumbered (iv).

These amendments were made to carry out in full the recommendations of the joint commission to the Convention of 1916.

As amended in 1919, this canon, then numbered Canon 53, provided in Section 2 for a permanent Board of Church Finance composed of one bishop, one clergyman, and three laymen, to promote the establishment of a uniform system of parochial and diocesan finance and reports and to recommend such improvements in methods of conducting church finances and of securing statistical information as may be found by experience from time to time to be advisable.

CONVENTION OF 1925

In this Convention Section 5 was amended by inserting after the words "Board of Church Finance" the words "or a Department of Finance."

CONVENTION OF 1931

Section 2 was repealed and the following sections renumbered, thus abolishing the Board of Church Finance.

CONVENTION OF 1934

At this Convention the canon was renumbered Canon 51.

CONVENTION OF 1940

The canon was renumbered Canon 53.

Section 1 was amended to read substantially in its present form.

CONVENTION OF 1943

In the rearrangement of this Convention this canon was renumbered Canon 6 and amended to its present form.

Section 4 of old Canon 59, "Of Parish Vestries," which forbade the encumbrance or alienation of the real property of any parish, mission, congregation, or institution or any part thereof, save for the refinancing of an existing loan, without the written consent of the bishop and standing committee or Council of Advice was transferred to new Canon 6 as Section 3.

EXPOSITION OF CANON 6

Section 1 of this canon, for which the present Section 1 was substituted in 1940, originally provided:

"SEC. 1. The fiscal year shall begin January 1st." This created a uniform fiscal year so as to make possible reports and analyses covering the same period.

Section 1, clause (1) of the present canon requires the deposit of trust and permanent funds and all securities with a federal or state bank or diocesan corporation or with some other agency approved in writing by the diocesan or district finance committee or department of finance under a deed of trust or agency agreement providing for at least two signatures on any order of withdrawal.

An exception is made for funds and securities refused by the depositories named as being too small for acceptance.

Clause (2) prescribes the form of property records to be kept.

Clause (3) provides for the bonding of treasurers and custodians other than banks of funds in excess of five hundred dollars during the fiscal year.

Clause (4) provides for books of account susceptible of satisfactory audit.

Clause (5) requires an annual audit of accounts.

Clause (6) requires adequate insurance of buildings and their contents.

Clause (7) authorizes the diocesan or district finance committee or department of finance to require copies of any and all accounts described in the section to be filed with it and that it report annually to the diocesan convention or district convocation upon its administration of this canon.

Section 2 requires each diocese and missionary district to give effect by the enactment of canons to the standard business methods prescribed by this canon and to provide for a finance committee or department of finance.

Section 3, governing the power of vestries and trustees or other bodies authorized by civil or canon law to hold, manage, or administer real property, requires particular attention. In the first place, by its terms, the limitation imposed by this section applies not only to a parish, mission, or congregation, but also to an institution, so that the trustees of a hospital or school are forbidden by it to encumber or alienate real property without the written consent of the bishop and standing committee or council of advice.

The power of the General Convention over the disposition of real property is questionable, governed as it is by the law of the state in which it is situated. In a somewhat similar situation it has been held that the creation and dissolution of the pastoral relation are governed by the law of the Church in spite of the fact that a rector is an officer of a corporation created by the state. (*Fiske v. Beatty* 206 App. Div. 349; 238 N. Y. 598.)

However, in spite of the provisions of Section 12 of the Religious Corporations Law of New York, containing the same requirement as the canon, and the common law of the state up to the time of its

enactment, it has been held in New York that the real property of an incorporated Protestant Episcopal Church is subject to execution under a judgment for moneys due on a contract made by the vestry. (Rector etc. Church of the Nativity, v. Fleming 174 Misc 473, aff'd 260 App. Div 930; aff'd 285 N. Y. 706.)

The law will differ in different jurisdictions and each case which arises must be decided according to the law of the situs of the property.

In states where the common law of England, as it existed at the time of our Revolution and was adapted to conditions, governs in the absence of later statutes, it would seem the better view that the real property of any ecclesiastical foundation, parish, or other institution cannot be encumbered or aliened without legislative authority.

Taking the state of New York as an example, until the enactment of Chapter 43 of the Laws of 1806 the real property of a church could not be sold or encumbered except by permission of the legislature contained in a special act. This meant the consent of the people of the state of New York represented in Senate and Assembly.

This authority was then vested in the chancellor and later in the Supreme Court, it being, however, a condition precedent in the case of Protestant Episcopal Churches that the bishop and standing committee of the diocese in which the property is situated give separate written consents.

This rule in New York unquestionably had its origin in an ancient English statute of 1570 designed to prevent dilapidation or alienation of ecclesiastical property.

The question arose in *Rector v. Fleming* (supra) whether in the absence, so far as the record shows, of any consent of the bishop and standing committee, a judgment for damages for breach of contract might be enforced by levy of execution upon the real property of the Church. There, upon the retirement by resignation of a rector because of age, the vestry executed a contract with him under which it bound the corporation to pay him a stated sum of money each year. For several years prior to his death nothing was paid the former rector, who not only made no effort to collect but left the parish a small sum in his will. The decedent's daughter, as executrix of his will, brought an action against the church for the balance due under the contract and recovered judgment. She then placed the judgment in the hands of the sheriff for execution. On a motion to vacate the exe-

cution levied by the sheriff, the Special Term of the Supreme Court, Kings County (Lockwood, J.) wrote as follows:

The only question arising on this motion to dismiss the complaint for insufficiency is whether the property of a religious corporation is exempt from execution.

The plaintiffs' contention is, essentially, that under the common law of this state the real property of religious corporations was inalienable (1 Evans Stat., 381-390; *Madison Ave. Baptist Church v. The Baptist Church in O St.*, 46 N. Y. 131, 141-142) and now, by statute, may be sold or mortgaged only upon fulfilling certain prescribed conditions (*Religious Corp. Law* Sec. 12).

Plaintiff further contends that since a religious corporation may not voluntarily alienate its real property without compliance with the statute, it may not, by incurring an obligation which ripens into a judgment, and to satisfy which the property must be sold, accomplish by indirection what it cannot do directly.

No adjudicated case is found in this state determining the question presented.

Counsel for the plaintiff called attention to a Nebraska case (*Horton v. Tabitha Home*, 95 Neb. 491), an action to foreclose a mechanic's lien against the real property of an incorporated charitable institution operated by a religious society.

After pointing out that the owners or trustees of the home did not contract for the work and had indicated clearly that the property was not to be charged with the expense, the court held, two justices dissenting, that no lien was created upon the property of the charitable institution.

The opinion sets forth many other facts and circumstances to indicate that the conclusion reached effected substantial justice in that particular case.

However, it stands alone, the great weight of authority being to the contrary (*Harrisburg Lumber Co. v. Washburn*, 29 Ore. 150; *Presbyterian Church v. Allison*, 10 Pa. 413; *Morris v. Nomlin Lumber Co.*, 100 Ark. 253; *Ray County Sav. Bank v. Cramer*, 54 Mo. App. 587; *North Presbyterian Church v. Jevne*, 32 Ill. 214; *Gortemiller v. Rosengarn*, 103 Ind. 414; *Keller v. Tracy*, 11 Iowa 530; *Jones v. Mt. Zion*, 30 La. Ann. 711; *Hoekstra v. Chambers-Wylie Mem. Presbyterian Church*, 51 Pa. Super. Ct. 405).

It may be that a voluntary sale of church property was prohibited by the common law and can now be made only upon certain conditions as provided in Section 12, Religious Corporations Law, but that section does not, expressly or by inference, exempt church property from sale under execution, nor has any other statutory provision been found that does.

In holding constitutional the amendment to Section 450, Religious Corporations Law, permitting judicial sale of cemetery lands not actually used for burial purposes, the Appellate Division, Second Department, wrote:

"If cemetery holdings of such vacant land were beyond reach of judicial process, great injustice might follow toward mechanics and laborers whose compensation would thus be unprotected. . . .

The amendment of the Real Property Law permitting a sale of cemetery lands not yet occupied, to satisfy a judgment, recognizes that such unused lands, like other real estate, are not entitled to be exempted from legal process." (*Johnson v. Ocean View Cemetery*, 198 App. Div. 854.)

That the real property of a religious corporation may be sold to satisfy a judgment against it has apparently never been questioned in this state, and innumerable such sales have been made.

Upon the argument of this motion, counsel for plaintiff was unable to state with certainty, but believed it probable, that the bishop and standing committee of the diocese had approved the obligation which resulted in the present judgment. In any event the judgment was duly recovered, and the only question here presented must be resolved against the plaintiff.

Motion to dismiss complaint granted.

The order of the Special Term was affirmed at the Appellate Division and by the Court of Appeals, without opinion.

The present editor has hesitated to criticize the decision in Fleming's case because as counsel with the defendant he represented the defeated party. Frankness now requires the statement of his conviction that the decision was erroneous and the hope that it will not be followed in other states and may ultimately be rejected as authority in New York.

Aside from historical precedent, it makes no sense for the legislature to forbid the alienation or encumbrance of church property except by order of the Supreme Court on petition and with the consent of the bishop and standing committee, as is done in the Religious Corporations Law, and then allow a contumacious vestry to accomplish alienation by a contract with a plumber or a gas fitter.

Under the decision in Fleming's case, a vestry may apply to the diocesan authorities for permission to mortgage church land and buildings for the purpose of obtaining money for repair of the organ. Upon being refused permission, the vestry, without funds for the purpose, may enter into a contract for repairs running into a large sum of money and upon failure to pay the bill and reduction of the claim to judgment, the organ builder may levy execution and sell the church.

If it were not for the fact that until power to approve the alienation of church property was delegated to the chancellor, an act of the legislature was necessary to permit such alienation, it might be said of the Fleming Case that the courts of New York found the common law of England unsuited to our conditions and therefore not controlling. In view, however, of the requirement of legislative action for many years, this decision cannot be so explained, since the judges, in ruling as they did, departed from the common law of their own state.

The closing words of the section require consideration. It is provided that no real property shall be encumbered without the written consent

of the bishop and standing committee or council of advice, "except under such regulations as may be prescribed by Canon of the Diocese or Missionary District." Apparently, power is given the diocesan convention or district convocation to make provision by canon for the encumbrance or alienation of real property, differing from that prescribed by this canon and so adapt the process to local law.

The history of this section will be found under the discussion of Canon 13 (*infra*).

Classic examples of slipshod methods are found in *Memories of a Happy Life* by the late Bishop Lawrence. (Houghton Mifflin Company, 1926, p. 169 *et seq.*)

Unfortunately, they cannot be and have not been corrected by legislation alone, and it is to be hoped that in the future diocesan and district finance committees will exercise more diligently the powers created by this canon.

CANON 7

Of The Church Pension Fund

SECTION 1. The Church Pension Fund, a corporation created by Chapter 97 of the Laws of the State of New York as subsequently amended, is hereby authorized to establish and administer the clergy pension system of this Church substantially in accordance with the principles adopted by the General Convention of 1913 and approved thereafter by the several Dioceses and Missionary Districts, with the view of providing for the clergy disabled by age or other infirmity and for the widows and minor children of deceased clergy.

Authorized
to adminis-
ter pension
system

SEC. 2. The General Convention at each triennial meeting shall elect, on the nomination of a Joint Committee thereof, eight persons to serve as Trustees of The Church Pension Fund for a term of nine years and until their successors shall have been elected and have qualified, and shall also fill such vacancies as may exist on the Board of Trustees.

Trustees,
how elected

Royalties

SEC. 3. For the purpose of administering the pension system, The Church Pension Fund shall be entitled to receive and to use all net royalties arising from publications authorized by the General Convention, and to levy upon and to collect from all Parishes, Missions, and other ecclesiastical organizations or bodies subject to the authority of this Church, and any other societies, organizations, or bodies in the Church which under the regulations of The Church Pension Fund shall elect to come into the pension system, assessments based upon the salaries and other compensation paid to clergymen by such Parishes, Missions, and other ecclesiastical organizations or bodies for services rendered currently or in the past, prior to their becoming beneficiaries of the Fund.

Assessments

Limit on
allotment

SEC. 4. The pension system shall be so administered that no pension shall be allotted before there shall be in the hands of The Church Pension Fund sufficient funds to meet such pension, except as directed by the General Convention in 1949.

To every
Clergyman
in continuous
serviceMinimum
PensionRetiring
Allowance

SEC. 5. To every clergyman who, at an age which The Church Pension Fund shall ascertain and determine to be the normal age of ordination, shall be ordained in this Church or received into this Church from another Church, and who shall remain in continuous service in the office and work of the Ministry in this Church, and in respect of whom the conditions of this Canon shall have been fulfilled in the payment of assessments on such reasonable basis as The Church Pension Fund may establish under its Rules of administration, The Church Pension Fund shall make a retiring allowance of at least six hundred dollars a year, and shall also make widows' and minor orphans' allowances related thereto. In the case of a clergyman who at the time of his ordination or reception shall be older than such normal age of ordination or in whose behalf assessments shall not have been continuously and fully paid, The Church Pension Fund shall determine his retiring allowance and the allowance to his widow and minor chil-

dren, upon fulfillment of the other conditions of this Canon, at a rate consistent with proper actuarial practice. The Trustees of The Church Pension Fund are hereby empowered to establish such Rules and Regulations as will fulfill the intention of this Canon and are consistent with sound actuarial practice. Subject to the provisions of this Canon, the general principle shall be observed that there shall be an actuarial relation between the several assessments and the several benefits, *Provided, however*, that the Board of Trustees shall have power to establish such maximum of annuities greater than two thousand dollars as shall be in the best interests of the Church, within the limits of sound actuarial practice.

Empowered
to establish
Rules

Maximum
Pension

SEC. 6. An Initial Reserve Fund, derived from voluntary gifts, shall be administered by The Church Pension Fund so as to assure to clergy ordained prior to March 1, 1917, and their families such addition to the support to which they may become entitled on the basis of assessments authorized by this Canon as may bring their several allowances up to the scale herein established.

Initial
Reserve
Fund

SEC. 7. The action of the Trustees of the General Clergy Relief Fund in accepting the provisions of Chapter 239 of the Laws of 1915 of the State of New York, authorizing a merger with The Church Pension Fund, upon terms agreed upon between said two Funds, is hereby approved. Any corporation, society or other organization which hitherto has administered clergy relief funds, may to such extent as may be compatible with its corporate powers and its existing obligations, and in so far as may be sanctioned in the case of diocesan societies by the respective Dioceses, merge with The Church Pension Fund, or if merger be impracticable, may establish by agreement with The Church Pension Fund the closest practicable system of co-operation with that fund. Nothing herein contained shall be construed to the prejudice of existing corporations or societies whose funds are derived from payments made by members thereof.

Merger of
General
Clergy Relief
Fund with
Church
Pension Fund

General
Convention
reserves the
right to
amend
this Canon

SEC. 8. The General Convention reserves the power to alter or amend this Canon, but no such alteration or amendment shall be made until after the same shall have been communicated to the Trustees of The Church Pension Fund and such Trustees shall have had ample opportunity to be heard with respect thereto.

CONVENTION OF 1853

The first action taken by General Convention looking towards making provision for the relief of clergymen and their dependents was the adoption of a resolution by both houses of the Convention of 1853, for the appointment of a joint committee to take "in consideration the expediency of establishing a General Society designed to comprehend the whole Church, having for its object the relief of Widows and Orphans of Deceased Clergymen."

This committee reported later in the session, that they were "impressed with a solemn conviction that there should be no delay" in establishing a fund for the relief of widows and orphans of deceased clergymen. The committee also submitted a series of resolutions designed to establish such a fund which was approved by both houses.

The Convention adopted the following resolutions:

Resolved, That a fund for the relief of the widows and orphans of deceased clergymen of the Protestant Episcopal Church in the United States of America, be, and is hereby instituted by the authority of the General Convention of said Church.

Resolved, That said fund be placed under the management of seven Trustees, to be appointed triennially by the General Convention, on nomination by a joint Committee.

The next resolution names the trustees and provides:

Resolved, That the Board of Trustees named in the preceding resolution have full power to procure an act of incorporation, to receive, invest, or otherwise dispose of, all funds, which may come into their hands from annual subscribers, from the contributions of individuals or congregations, or from bequests, that they may make such grants as circumstances may justify and require until the next General Convention, to which they shall report all their proceedings, and also a carefully digested system for future operations.

Resolved, That the Bishops be requested to bring the subject to the notice of their clergy and congregations, and to endeavor to procure from each congregation an annual contribution to this very important object.

CONVENTION OF 1856

Only a verbal report was made to the Convention of 1856, which Convention selected a Board of Trustees of the fund.

CONVENTION OF 1859

The Board of Trustees of the fund for the relief of widows and orphans, etc., made an extended report to this Convention, in which they stated that they had secured the incorporation of the trustees of said fund on April 13, 1855. The board also submitted a code of by-laws for the government of the said corporation, for approval by the Convention, which was approved and adopted, and the object of the fund was commended to the sympathy and support of the Church at large.

CONVENTION OF 1862

The trustees of the fund reported to this Convention that they "were not encouraged by a favorable response to this appeal, and have been reluctantly brought to the conclusion that there is not such interest felt in the Church at large in the creation of such a Fund as their charter contemplates as to invite further attempts of a similar kind at the present time. . . . Efforts at this juncture to create an adequate Fund are manifestly hopeless." The board advised the appointment of trustees, however, as necessary to preserve their charter.

The Convention adopted their report and appointed the necessary trustees.

CONVENTION OF 1868

The Board of Trustees of the fund for widows and orphans, etc., made a report to this Convention, stating "That since their appointment, no endowments or donations have been placed in their hands, although a charter was obtained, and an earnest appeal issued in the year 1859." The trustees assigned as the principal causes of their failure, the existence of diocesan funds for this purpose in the older and larger dioceses, and the extended operations of life insurance and annuity companies. The trustees asked to be discharged and that the charter of the board be deposited with the registrar of the General Convention. The Convention voted to discharge the trustees and to lodge the charter with the registrar.

Thus ended the first attempt of General Convention to provide a fund for the widows and orphans of deceased clergymen, and for the aged and infirm clergy of the Church.

CONVENTION OF 1871

To the honor of the Church the efforts to establish a fund for the benefit of the widows and orphans of deceased clergymen, and of the aged and infirm clergy of the Church were not allowed to lapse into innocuous desuetude. The House of Bishops in the Convention of 1871 appointed a special committee to inquire whether any legislation providing for the relief of disabled clergymen was practicable and expedient. This committee reported to the House that in its opinion the time had come for an energetic effort to give "this Fund substantial existence, and to render effectual the beneficence of the Church toward a most deserving class of her members." The committee recommended that a new board of trustees be elected and that the said board adopt such measures as may be necessary and expedient to revive and extend interest throughout the Church in this important charity.

This report was adopted by the House of Bishops and concurred in by the House of Deputies, and a board of trustees was elected.

This Convention also took the first practical step toward establishing a fund for the relief of the clergy by the adoption of the following resolution:

Resolved, That the Hymnal, now finally corrected by the Committee thereon, shall be free to be printed and published by all responsible publishers, who shall obtain a license to that effect from the Trustees of the Fund for the Relief of Widows and Orphans of Deceased Clergymen, and of Aged, Infirm, and Disabled Clergymen, and who shall assure to such Trustees a payment, to be applied for the uses of said fund, equivalent to *ten per cent* upon the retail selling price; and that the copyright of the Hymnal be vested in said Trustees.

CONVENTION OF 1874

The trustees of the fund reported to this Convention, that while the income for the three years last past had not equalled all that might have been hoped for, yet "that it had sufficed to form the nucleus of an effective fund, and to enable the Trustees to extend some measure of timely relief to highly deserving and necessitous applicants."

They reported a total royalty received of \$12,650.86.

CONVENTION OF 1880

In this Convention a committee from the House of Bishops presented to the House of Deputies an appeal for the cause of disabled clergy

and their dependents. As a result of this appeal the Convention adopted a series of resolutions, among which were the following:

Resolved, That the Committee appointed to consider the subject of the Increase of the Fund for the Relief of the Widows and Orphans of Deceased Clergymen, and of Aged, Infirm, and Disabled Clergymen, be continued, with an increased membership, with instructions to act in the premises during the time intervening before the next General Convention, to the end that they may better accomplish the objects for which the Committee was raised.

Resolved, That every Minister in charge of a Congregation be requested to reserve, from this time forth, out of "the alms and other devotions" of the people, collected upon each and every occasion of the administration of the Lord's Supper, a percentage of the whole amount, not less than one or more than ten per cent, at the discretion of the Minister, the same to be forwarded and paid over to the Trustees of the Fund for the Relief of the Widows and Orphans of Deceased Clergymen and of Aged, Infirm, and Disabled Clergymen.

The committee was also directed to correspond with the authorities of each diocese and missionary district, for the purposes of collecting statistics, and to report to the next Convention a digest of all the information thus gathered, with reference to further and more formal action.

CONVENTION OF 1883

This Convention adopted the following resolution:

Resolved, That the General Convention earnestly recommend the devotion, by the Ministers of this Church, of a part of the alms and contributions at the administration of the Holy Communion, to the support of disabled Clergymen, and the Widows and Orphans of deceased Clergymen.

A special joint committee was appointed on increasing the fund for disabled clergymen and their dependents, which committee reported that the Bishop of Minnesota had offered to give the trustees of the fund a lot in the city of Faribault, Minnesota, with a building on it well-adapted to be used as a home for aged and infirm clergymen, and recommending that the gift be accepted. This recommendation was adopted by the House of Deputies, but not concurred in by the House of Bishops, on the ground that the matter might better be left to the trustees of the fund without instructions.

The House of Deputies, on the last day of the session, adopted an amendment to Title I, Canon 14, Section 3, recommending the devotion by the ministers of the Church of a part of the alms at celebrations of the Holy Communion to the aged and infirm clergy fund. No action on this proposed amendment to the canon was taken by the House of Bishops.

CONVENTION OF 1889

The Diocese of Connecticut presented a memorial to the Convention of this year on the subject of pensions for the clergy, which was referred in the House of Deputies to the Committee on the State of the Church. This committee reported the following resolutions which were adopted by the House of Deputies.

Resolved, That the Clergyman's Retiring Fund Society is heartily approved in its principles and methods, and is commended to the support of the Clergy and Laity of the Church.

Resolved, That every Diocese of this Church be asked to pass a Canon similar to that of the Diocese of Newark on the subject of a Clergy Pension Fund.

Resolved, That the Secretary of this House be instructed to transmit these resolutions, together with copies of the report of the Clergyman's Retiring Fund Society, and of the aforesaid Canon of the Diocese of Newark, to the Convention of each Diocese.

CONVENTION OF 1892

The trustees of the fund for the relief of widows and orphans, etc., made a most stirring report to the Convention of this year. This report was referred to a special joint committee which made a strong report, presenting as its "unanimous conviction that it ought to be earnestly considered by the Church whether there ought not to be substituted for the present inadequate and disappointing efforts at relief a well planned system of clergy pensions for clergymen incapacitated for active service by age or infirmity and for the widows and orphans of needy clergymen deceased."

To accomplish this the committee recommended the adoption of a proposed canon.

In response to the earnest appeal of both the trustees and the special joint committee, the Convention enacted the following canon, as Title III, Canon 8.

OF GENERAL CLERGY RELIEF

Sec. 1. (1) The General Convention at each Triennial Meeting shall elect, on the nomination of a Joint Committee thereof, fifteen persons to serve as Trustees of the Fund for the Relief of Widows and Orphans of Deceased Clergymen, and of Aged, Infirm and Disabled Clergymen, instituted by the General Convention in 1853, and incorporated in Chapter 459 of the laws of the State of New York in 1855. Said Trustees shall hold office until the succeeding General Convention, or until their successors shall be elected, and shall have power to fill vacancies occurring in their own Board, and to appoint officers and agents.

(2) The first named seven Trustees elected by the General Convention of 1892 shall manage the affairs of the Fund until the enactment of such legislation as

shall enlarge the number of Trustees from seven to fifteen, and after such enactment, the remaining eight Trustees elected by the Convention as hereinbefore provided, shall enter upon the discharge of their duties.

Sec. 2. (1) The widow of any deceased clergyman, remaining unmarried, the children of any deceased clergyman until they have reached the age of twenty-one years, unless they shall have married before that age, and any clergyman being permanently disabled, or having reached the age of sixty-four years, shall be entitled, in the discretion of the Trustees, to share in the benefits of this Fund.

(2) All applications to the Trustees shall bear the recommendation of the Bishop, or in case there be no Bishop, of the clerical members of the Standing Committee of the Diocese or Jurisdiction to which the applicant may belong.

Sec. 3. The resources of the Fund shall be from such royalties as shall be established by the General Convention, from offerings in parishes, and from such other voluntary gifts and legacies as may be received.

Sec. 4. The Trustees shall publish a report on the first of September, in each year, showing a complete list of all contributions to the Fund within the year past, and shall cause a copy of such report to be sent to every Bishop and Clergyman of the Church.

Sec. 5. Contributors to the Fund shall have the right to designate how their contributions shall be applied, and the Bishop of any Diocese or Jurisdiction may, within one year after the report is issued, direct how the contributions of congregations in his Diocese or Jurisdiction so reported the use of which has not been designated, shall be applied.

Sec. 6. The Trustees may enter into relations with all kindred funds and societies in the Church, and so far as may be practicable, secure their co-operation to the end that there may be a complete record of all clergy relief in the Church, and that such relief may be distributed wisely, equitably, and efficiently.

Thus, after more than thirty years from its inception, the General Convention of the Church recognized its duty to provide for the relief of its aged and infirm clergy, and for the dependents of deceased clergymen, and substituted for high sounding resolutions which had had no effect upon the Church's members, a canon providing an efficient organization for the collection and distribution of funds for that purpose.

CONVENTION OF 1898

This Convention amended Section I of this canon by striking out the word "fifteen" in the second line, and substituting therefor the word "seven," thus reducing the number of trustees from fifteen to seven. The Convention also repealed (ii) of Section 1.

CONVENTION OF 1904

In the revision of the Digest of the Canons by the Convention of this year, no amendment was made to this canon, which now became Canon 53.

CONVENTION OF 1907

The first section of this canon was amended by the Convention of 1907 by striking out all of said section between the words "Trustees of," and the word "instituted," and inserting in place thereof, the words, "General Clergy Relief Fund."

The words stricken out formed the former name of the fund, which name had now been superseded by the name General Clergy Relief Fund.

Section 4 was also amended by inserting the word "Convention," between the word "each" and the word "year," so that it would read,

The Trustees shall publish a report on the first of September of each Convention year, etc.

The former canon required the trustees to publish a report each year; as amended, it required a published report only in each Convention year.

A memorial was presented to this Convention from the Diocese of Los Angeles praying for the appointment of a commission to raise the sum of five million dollars, to be added to the fund for general clergy relief. In response to this memorial, the Convention appointed a joint commission to take in hand the raising of the said five million dollars.

CONVENTION OF 1910

At this Convention the Bishop of Massachusetts introduced a resolution providing for the appointment of a joint commission on the support of the clergy to consider the whole question of the support of the clergy, including salaries, sustentation, insurance, annuities, and pensions.

This resolution was adopted and the joint commission appointed, with the Bishop of Massachusetts as chairman.

The joint commission called into consultation Mr. Monell Sayre, the pension expert of the Carnegie Foundation for the Advancement of Teaching, and under his direction a questionnaire was sent to every clergyman of the Church, containing questions concerning the date of his birth, the date of his ordination, whether he was married and, if so, the date of his wife's birth and the date of his marriage and the date of birth and sex of any minor child. The questionnaire also asked minutely concerning the financial support which the clergyman received from the Church.

Eventually, through persistent effort, replies were received from 98½ per cent of the entire canonical roll of the clergy. The joint commission thus had at its disposal complete information concerning the vital statistics and the financial support of all of the existing clergy.

Mr. Sayre then undertook the reconstruction of the mortality record of the clergy of the American Church from the date of its formal separation from the Church of England in 1787 down to the time of the questionnaire above mentioned. Through the use of the great libraries in New York, Boston, and Washington, this was done to an extent which would justify actuarial calculations therefrom.

Mr. Sayre who had been made a member of the joint commission about this time, placed at its disposal his own library of pension literature, probably the most extensive in the world, containing a fairly complete record of every pension system which had ever existed, and copy of every piece of pension literature or a synopsis of it. This collection was thoroughly indexed, with appropriate cross references, so that any problem concerning pensions could immediately be examined in the light of experience and the writings concerning it.

Thus supplied with data concerning the Church, and with the entire experience of the world concerning pensions, the joint commission proceeded to deliberate on the report which it should make to the General Convention of 1913. It resolved to recommend a comprehensive pension system, of the group method, whose essential characteristics should be as follows: A modest but adequate provision should be made for a clergyman upon retirement on account of age, and upon retirement for total and permanent disability. There should also be a provision for the widow and for each minor child. In all of these provisions there should be a basic amount, assuring a minimum provision for the whole body of working clergy and for their families. Actuarial calculations should be made of the cost of said provisions, considering the mortality and marital experience of the whole body of the clergy, and the salary schedule, in the case of the situation of the Church when all of the clergy in active service should have been ordained after the pension system started; and this cost should be expressed in a given percentage of the salary received by the clergy. The parishes and all other organizations paying a salary to any ordained man should then, by the authority of the Church, be assessed this given percentage on the salary paid.

The joint commission thus planned a pension system looking far into the future when every clergyman would be in the normal posi-

tion of having been ordained after the pension system started and when a provision for his retirement or his total and permanent disability, and for his widow and any minor children should have been taken during all of the years of his service in the Church.

In order to cover the abnormal case of the clergy in service when the pension system started, it was provided that they and their families should not be entitled to more than the basic pensions unless the assessments paid by their respective parishes, under the group method, entitled them to more. But also, in order to provide them with the basic pensions which could not be provided by pension assessments paid on their behalf from the date of the establishment of the pension system, an initial reserve of five million dollars was to be created.

CONVENTION OF 1913

The joint commission presented the above outlined solution of the pension problem in the Church to the General Convention of 1913 in a pamphlet, mailed to all of the clergy and many of the lay officers of the Church, which was probably, up to that time, the most comprehensive pension document in existence.

The Convention of 1913, after exhaustive consideration in both houses and questioning of authorities, accepted the report of the joint commission in a series of resolutions which were drawn in very general terms so as to cover only the main outlines of the pension system as recommended. These resolutions were as follows:

Resolved, That the Church should work toward the adoption of one pension system, covering the entire territory of the Church, and the entire scope of pension activity, and operating under definite and known rules.

Resolved, That the pension system of the Church should be so constructed as to take cognizance of the problem of the accrued liabilities.

Resolved, That the contributions and the continuing liabilities should be actuarially calculated so as to balance.

Resolved, That the assessments to support the continuing liabilities should be adjusted upon the principle of an actuarial relation between the liabilities and the benefits.

Resolved, That the principle of distribution should be so arranged that the maximum pension should not exceed \$2,000 per annum, and that the minimum limit should be \$600 per annum.

Resolved, That the Joint Commission on the Support of the Clergy be continued, with power to become a Corporation and to take such other steps as may be necessary to put into operation these pension principles, it being understood,

however, that until they can be successfully established the Church should continue to support the existing incorporated agencies.

In conformity with these resolutions, the joint commission set up an office in New York City; elected Mr. J. Pierpont Morgan treasurer; secured the entire time of Mr. Monell Sayre; and procured a special charter from the legislature of New York on April 3, 1914, creating them trustees of the Church Pension Fund.

The action of the General Convention in the matter, accompanied with a very careful exposition of that legislation supplied by the trustees of the Church Pension Fund, was mailed to all the deputies to the several diocesan conventions meeting in the year 1914, and presented to the said conventions with the request that they appoint committees to consider if the legislation of General Convention thus presented to them was one to which they could promise their support. Most of the diocesan conventions appointed such committees with instructions to report to the conventions of 1915.

At the diocesan conventions of 1915, these committees made unanimous reports in favor of the dioceses accepting the legislation of the General Convention, and more than three-fourths of these conventions formally accepted the legislation of the General Convention in the matter of the Church Pension Fund.

On December 28, 1915, the trustees of the Church Pension Fund resolved that, in view of the favorable action of most of the dioceses, and the reasonable anticipation that the remaining dioceses would also act favorably when they had opportunity to consider the reports of their committees, a comprehensive plan should be undertaken to raise the indispensable five million dollars for that part of the accrued liabilities of the pension system represented by the basic pensions to the existing clergy and the families. An expense account of \$125,000 was created for the campaign, with the promise of \$125,000 more being supplied if necessary. On January 1, 1916, a campaign to last fourteen months was launched throughout the Church. The Bishop of Massachusetts secured a year's leave of absence from his diocese to give his personal attention to this work.

CONVENTION OF 1916

At this Convention the canon providing for the Church Pension Fund was enacted and the trustees thereof formally elected.

This canon was so drawn, after careful consideration thereof in the

House of Deputies, as to eliminate the maximum pension being set at \$2,000, as it was explained that this would endanger the stability of the pension system and not produce any advantage to the poorer paid clergy.

Every part of the Church participated in the campaign to raise the necessary five million dollars to take care of the accrued liabilities, and on March 1, 1917, when the campaign closed, there had been subscribed the sum of \$8,750,000. The cost of raising this amount was \$115,000.

The campaign to raise the initial reserve closed at the end of business on February 28, 1917. On March 1, 1917, the Church Pension Fund opened its doors prepared to administer the pension system, by which every parish and other organization in the Church paying a salary to a clergyman was under obligation to pay a sum equivalent to 7½ per cent of that salary to the trustees of the Church Pension Fund. This was gradually put in force with practically complete effectiveness so that at the end of the first fiscal year of the fund on December 31, 1918, approximately 99 per cent of all parishes and other organizations paying salaries to the clergy of the Church were paying the pension assessments; and this response to the legislation of the General Convention has continued at the same high percentage.

CONVENTION OF 1919

Canon 56, Of General Clergy Relief, having been superseded by the new canon Of the Church Pension Fund, was repealed by this Convention. The proviso in Section 5 was transferred to the end of the section.

Except for renumbering this canon, which in 1925 was Canon 59, this canon was not amended between 1925 and 1940.

CONVENTION OF 1940

At this Convention the canon was renumbered Canon 60 and amended to read in its present form, except for Section 2.

Section 1 was amended by stating the chapter as well as the year in which the act incorporating the fund was enacted and the approval of the principles adopted in 1913 by the missionary districts as well as the dioceses.

Section 2 was not amended.

Section 3 was amended by striking out the words "to modernize its provisions without affecting their application or effect."

Section 4 was left unamended.

Section 5 was quite substantially amended. Words were inserted to place clergymen, in whose behalf assessments had not been continuously and regularly paid, in the same class as those ordained or received after attaining an age greater than the "normal" age of ordination, which had previously been called the "usual" age.

Widows' and minor orphans' allowances were added.

A new sentence was added empowering the trustees to make rules and regulations.

In the last, the words "in alloting pensions," which formerly occurred after the word "observed," were omitted, and the proviso, which formerly read "*Provided, however*, that the Board of Trustees shall have power to establish such maximum of annuities greater than \$2000 as shall be agreeable to sound actuarial practice," was amended to read as at present.

Section 6 was modernized.

Sections 7 and 8 were not amended.

At this Convention a report of the trustees was presented on the question of establishing a temporary or partial disability insurance for the clergy and recommending it be not established as likely to impair the fund's ability to discharge the obligations already laid upon it. (*Jour. Con. 1940, p. 505*) Both houses concurred in a resolution approving the recommendation.

CONVENTION OF 1943

In the rearrangement of canons at this Convention, this canon became Canon 7.

CONVENTION OF 1946

Section 2 was amended to increase the number of trustees from six to eight.

CONVENTION OF 1952

At this Convention the Board of Trustees of the Church Pension Fund reported that, as a result of the very substantial increase authorized in 1949 for those already retired and widowed in the future, pensions had been allotted before there were funds in hand sufficient to meet such pensions as required by Section 4 of this canon.

Section 4 was thereupon amended by adding at the end thereof the words: "except as directed by the General Convention of 1949."

EXPOSITION OF CANON 7

Unlike other boards, it is worthy of note that, so far as is provided in the canon, the twenty-four trustees of the Church Pension Fund may be bishops, presbyters, or laymen, or any combination thereof, and that they need not be clergy or laymen of this Church.

The enactment of this canon put into operation the fairest and the soundest pension system possessed by any Church in the world. The General Clergy Relief Fund, and the Five Million Dollars Fund, each marked a great step in advance for the relief of the aged and incapacitated clergy and their dependents, but the weakness of each lay in their dependence, in large measure, upon voluntary offerings. They were not founded upon actuarial practices and methods. The Church Pension Fund, on the other hand, is founded upon an actuarial relation between liabilities and benefits. No benefits are to be paid out until the money to be paid out has been received and is in the hands of the trustees of the fund. Furthermore, aside from the royalties arising from publications authorized by General Convention, the money to pay the benefits and pensions due to the clergy is to be provided by assessments upon the several parishes and other organizations of the Church, based upon the salaries paid to the clergy employed by them.

The pension roll is composed of the following classes of payments:

First, the payments authorized by the rules to those clergymen and the families of clergymen for whom the pension system was originally planned. The trustees have fixed the retiring age at sixty-eight.

Second, certain extensions of the rules which have been found possible owing to the initial reserve having been oversubscribed three and a half million dollars, and certain pensions to clergymen and the families of clergymen who were not originally included in the pension system but who have been included by the trustees through the use of the said surplus.

Third, especially the payment authorized by the trustees on December 20, 1921, and since renewed annually, of \$1,000, immediately to the widow of a clergyman dying in the active discharge of the duties of a cure or office in the Church.

Fourth, the payment of the former grants of the General Clergy

Relief Fund. The consolidation between the Church Pension Fund and the General Clergy Relief Fund was authorized by the canon adopted in 1916, and was effected legally by order of the Supreme Court of New York on April 13, 1917, in pursuance of an act of the legislature of New York, passed April 7, 1915. The payments to the beneficiaries of the General Clergy Relief Fund very greatly exceeded the assets of that fund, and their payment without further demands on the Church was made possible by the oversubscription to the initial reserve of the Church Pension Fund.

Fifth, payments to the beneficiaries of about twenty of the diocesan relief funds which have also been consolidated or merged in some way with the Church Pension Fund. Where these mergers were arranged before March 1, 1917, they were made without any corresponding assets being given to the Church Pension Fund, and are possible through the oversubscription to the initial reserve.

Sixth, when the consolidation with the General Clergy Relief Fund took place it was found that the sum of approximately \$440,000, the result of the campaign for five million dollars by the General Convention of 1907, had been tied up so that neither the principal nor the interest was available. The Church Pension Fund reported this situation to the General Convention of 1919 and suggested that the money be made available to be used as pensions for clergy who retired before March 1, 1917, and the widows of clergymen who died before that date. The General Convention of 1919 authorized this to be done and gave authority to the trustees to appoint a special board for this purpose. Such a special board was created and reported to the General Convention of 1922 that it had completed its labor by dispensing all of the money concerned, and had apparently covered the cases of need existing among the clergy and the widows of clergy specified.

The Church Pension Fund is in certain respects subject to the control of the Insurance Department of the State of New York.

CANON 8

Of Provinces

SECTION 1. Subject to the proviso in Article VII of the Constitution, the Dioceses and Missionary Districts of this Church shall be and are hereby united into Provinces as follows:

How
constituted

The First Province shall consist of the Dioceses within the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island and Connecticut.

The Second Province shall consist of the Dioceses within the States of New York and New Jersey, and the Missionary Districts of Puerto Rico, the Virgin Islands, Haiti and the Panama Canal Zone.

The Third Province shall consist of the Dioceses within the States of Pennsylvania, Delaware, Maryland, Virginia, West Virginia and the District of Columbia.

The Fourth Province shall consist of the Dioceses within the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee and Kentucky.

The Fifth Province shall consist of the Dioceses within the States of Ohio, Indiana, Illinois, Michigan and Wisconsin.

The Sixth Province shall consist of the Dioceses and Missionary Districts within the States of Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Montana, Wyoming and Colorado.

The Seventh Province shall consist of the Dioceses and Missionary Districts within the States of Missouri, Arkansas, Texas, Kansas, Oklahoma and New Mexico.

The Eighth Province shall consist of the Dioceses and Missionary Districts within the States of Idaho, Utah, Washington, Oregon, Nevada, California, Arizona, the Territories of Alaska and Hawaii, and the Missionary District of the Philippines.

In case new
Diocese or
Missionary
District be
created

SEC. 2. When a new Diocese or Missionary District shall be created wholly within any Province, such new Diocese or Missionary District shall be included in such Province. In case a new Diocese or Missionary District shall embrace territory in two or more Provinces, it shall be included in and form a part of the Province wherein the greater number of Presbyters and Deacons in such new Diocese or Missionary District shall at the time of its creation be canonically resident. Whenever a new Diocese or Mission-

any District shall be formed of territory not before included in any Diocese or Missionary District, the General Convention shall designate the Province to which it shall be annexed.

SEC. 3. For the purpose of the Province the Synodical rights and privileges of the several Dioceses and Missionary Districts within the Province shall be such as from time to time shall be determined by the Synod of the Province.

Synodical
rights and
privileges

SEC. 4. There shall be in each Province a Synod consisting of a House of Bishops and a House of Deputies, which Houses shall sit and deliberate either separately or together.

Provincial
Synod

SEC. 5. Every Bishop of this Church, having jurisdiction within the Province, every Bishop Coadjutor and Suffragan Bishop, and every Bishop whose episcopal work has been within the Province, but who by reason of advanced age or bodily infirmity has resigned, shall have a seat and vote in the House of Bishops of the Province.

Bishops have
seat and vote

SEC. 6. The President of each Province shall be one of the Bishops of the Province, elected by the Synod by the concurrent vote of the three orders and by a plurality in each order. He shall hold office for such term as the Synod may determine.

President
of Province

SEC. 7. Each Diocese within the Province shall be entitled to representation in the Provincial House of Deputies by four Presbyters, canonically resident in the Diocese, and four Laymen, communicants of this Church, having domicile in the Diocese, but the Provincial Synod, by Ordinance, may increase the representation to not more than six in each order. Each Missionary District within the Province shall be entitled to representation in the Provincial House of Deputies by two Presbyters, canonically resident in the District, and by two Laymen, communicants of this Church, having domicile in the Missionary District, but the Provincial Synod, by Ordinance, may increase the representation to not more than three in each order. Each Dio-

Representa-
tives of
Dioceses
and Districts

cese and Missionary District shall determine the manner in which its Deputies shall be chosen.

Powers of
Provincial
Synod

SEC. 8. The Provincial Synod shall have power: (1) to enact Ordinances for its own regulation and government; (2) to elect judges of the Provincial Court of Review; (3) to perform such duties as may be committed to it by the General Convention; (4) to deal with all matters within the Province; *Provided, however*, that no Provincial Synod shall have power to regulate or control the internal policy or affairs of any constituent Diocese or Missionary District; and *Provided, further*, that all actions and proceedings of the Synod shall be subject to and in conformity with the provisions of the Constitution and the Canons for the government of this Church; (5) to adopt a budget for the maintenance of any Provincial work undertaken by the Synod, such budget to be raised in such manner as the Synod may determine; (6) to create by Ordinance a Provincial Council with power to administer and carry on such work as may be committed to it by the General Convention, or by the Presiding Bishop and the National Council, or by the Synod of the Province.

May take
over
adminis-
tration
of work

SEC. 9. The Synod of a Province may take over from the National Council, with its consent, and during its pleasure, the administration of any given work within the Province. If the Province shall provide the funds for such work, the constituent Dioceses and Missionary Districts shall receive proportional credit therefor upon the quotas assigned to them for the support of the Program of the Church, provided that the total amount of such credits shall not exceed the sum appropriated in the budget of the National Council for the maintenance of the work so taken over.

To consider
subjects
referred by
General
Convention

SEC. 10. Whenever the General Convention shall refer any subject to the Provincial Synods, or any of them, for their consideration, it shall be the duty of such Synods to consider the subject or subjects so referred to them at the first meeting of the Synod held after the adjournment of the General Convention, and to report their action and

judgment in the matter to the Secretary of the House of Bishops and to the Secretary of the House of Deputies at least six months before the date of the meeting of the next General Convention.

The number of bishops and dioceses taking part in the organization of the Church in the United States at the close of the Revolutionary War was so small that the whole national Church was nothing more than what is known, in proper ecclesiastical language, as a province.

That this should be a permanent arrangement was early seen to be inadvisable. Bishop White anticipated a subdivision of the Church into provinces and indicated some of the leading features of such arrangement. But it was not until over seventy-five years after the national Church was organized that any steps were taken in General Convention looking to a division of the Church into provinces.

CONVENTION OF 1865

The Diocese of New York presented a memorial to the General Convention of 1865, containing the following resolution:

Resolved, That it is the opinion of this Convention that a Provincial System, adapted to the present position of the Church in this country be established. It therefore prays the General Convention to make provision for the organization of the Protestant Episcopal Church in the United States of America, into Provinces.

This memorial with the accompanying resolution was referred to a joint committee to report on the expediency of dividing the Church into provinces.

Resolutions were also adopted by the Diocese of Pennsylvania instructing the deputies from that diocese to secure, if possible, legislation in the General Convention to provide for the establishment of federate councils to be composed of the several dioceses within a state.

These resolutions together with the memorial from the Diocese of New York were then referred to a committee of thirteen to report to the Convention.

This committee reported that they were not prepared to recommend any system of provinces that would comprise dioceses in different states, and would recommend federate unions of dioceses coextensive with states, only on the principle and in the way of permitted growth. The committee submitted the form of a proposed canon making it lawful for dioceses existing within the limits of any state to establish

for themselves a federate council, representing such dioceses, but with very limited powers.

The House of Deputies adopted the proposed canon but the House of Bishops took no action in the matter, as the message of the House of Deputies conveying their action was not received by the House of Bishops until the last day of the session.

A proposed canon "Of the Provincial System" was referred, in the House of Deputies, to a committee of five to report at the next Convention.

CONVENTION OF 1868

The committee appointed by the last Convention reported to this Convention in favor of the adoption of the canon proposed, dividing the Church into six or eight provinces, with a primate at the head of each province. This report was referred to a committee of five, to consider and report. The committee of five reported adversely to the proposed division into six or eight provinces, and in favor of a federate council, each council to include all the dioceses within a single state.

The House of Deputies adopted the report of the committee of five, and the canon recommended by that committee. This canon failed of adoption in the House of Bishops by a tie vote, when the vote was first taken, but a call of the House was ordered, and on this vote the proposed canon received a majority of two. The canon as adopted, was numbered Title III, Canon 8, and read as follows:

AUTHORIZING THE FORMATION OF A FEDERATE CONVENTION OR COUNCIL OF THE DIOCESES WITHIN ANY STATE

It is hereby declared lawful for the Dioceses now existing, or hereafter to exist, within the limits of any State or Commonwealth, to establish for themselves a Federate Convention, or Council, representing such Dioceses, which may deliberate and decide upon the common interests of the Church within the limits aforesaid, but before any determinate action of such Convention, or Council shall be had, the powers proposed to be exercised thereby shall be submitted to the General Convention for its approval.

Nothing in this Canon shall be construed as forbidding any Federate Council from taking such action as they may deem necessary to secure such legislative enactments as the common interests of the Church in the State may require.

CONVENTION OF 1871

A proposed amendment to the Constitution was introduced in the House of Bishops in the Convention of 1871, providing for a division of the Church into provinces, on similar lines to the present divi-

sion, but the only action taken thereon was to refer the matter to a committee to report to the next Convention.

CONVENTION OF 1874

In the House of Bishops, in this Convention, the committee reported that they were not prepared to recommend immediate action in the matter and asked to be continued.

In the House of Deputies, the Committee on Amendments to the Constitution were directed to report upon the expediency of appointing a joint commission to devise a provincial system for the Church. This committee made a report in which it condemned, unreservedly, the whole provincial system. Among other statements made by the committee, were the following:

Any institution of Provinces or Provincial Synods with powers subject at all times to revocation by the General Convention, would be useless and illusory. The Provinces, if invested with irrevocable powers, and discharged from the constant and necessary authority and supervision of the General Convention, certainly might, and probably would, soon diverge into widely-differing practices and opinions, engendering ecclesiastical conflicts threatening the unity of our Church.

Apart from these fearful consequences in the future, reaching far down the ages, the separation of our Church into geographical and sectional provinces would work immediate injury in discontinuing or rendering less frequent the General Convention (now triennial) of the Bishops and the representatives of the Clergy and Laity, in which fraternal assemblies the efforts of all to advance the highest interests of the Church, and especially its widespread missionary labors, are encouraged and invigorated, thereby more closely uniting our now undivided Church in a perpetual bond of Christian sympathy and affection.

The committee recommended the adoption of a resolution by the House that it was not expedient to establish a provincial system for the Church.

The whole subject was then laid upon the table.

CONVENTION OF 1877

In contrast with the opinion of the Committee on Amendments to the Constitution in the House of Deputies, above noted, a special committee, appointed in the House of Bishops at the previous Convention, reported for adoption a resolution, "That in the judgment of this House the time has arrived when it is expedient that the Church shall take order for the association of its Dioceses into Provinces."

This resolution, together with the whole subject of provinces, was

recommitted to the same committee with instructions to report to the House at its next session in General Convention.

In the House of Deputies, the Committee of Canons, to which was referred a memorial from the Diocese of Minnesota embodying a canon on the provincial system, reported a canon of Federate Councils. This proposed canon was adopted by the House of Deputies, but the House of Bishops refused to concur therein.

CONVENTION OF 1880

The special committee of the House of Bishops, having been continued from the last Convention, reported for adoption a resolution, instructing the Committees on Amendments to the Constitution, and on Canons, to report a canon or canons embodying five provisions, among which was one proposing the establishment of five provinces, and another, that the General Convention should meet statedly once in nine years.

This resolution and the report accompanying it was referred to the Constitutional Commission, should such a commission be appointed. The committee was again continued and instructed to report to the next Convention.

In the House of Deputies, a proposed Canon of Federate Councils was referred to the next Convention.

CONVENTION OF 1883

The long continued committee of the House of Bishops on provinces, unable to secure consideration of the question in the Convention of 1883, asked to be discharged, and their request was granted.

The Convention amended Title III, Canon 8, "Authorizing the Formation of a Federate Convention or Council of the Dioceses within any State," by dividing the canon into sections, and inserting therein a new section as follows:

Sec. 2. Any such Federate Convention or Council may exercise any powers that shall have been previously approved by the General Convention for any other Federate Convention or Council.

The Convention also renumbered Canon 8, as Canon 7, of the same Title.

CONVENTION OF 1886

The House of Bishops in this Convention adopted an amendment to Title I, Canon 7, in which the House of Deputies did not concur.

CONVENTION OF 1889

This Convention appointed a joint committee to consider and report to the next Convention as to the expediency of dividing the Church into provinces, what changes in the Constitution and Canons were necessary to establish such a system, and on what general plan such a division might be effected.

CONVENTION OF 1892

The committee appointed by the previous Convention made a report to each house of the Convention of 1892. In that report the committee stated

That at every step they have been impressed more and more both with its intrinsic importance to the prosperity of the Church in the United States, and by an evident conviction in the public mind that some decisive action on the main interests touched in the terms of the resolution by which the Committee was created ought to be taken without unnecessary delay. . . .

The fact that our Church here is in itself a province might very well forestall opposition to a further application of the provincial principle. To a majority of your Committee the same conditions of territorial expansion and the distribution of a vast people seem now to impose upon us a farther conforming of our ecclesiastical methods to the primitive pattern. Added to this reason of conformity are others, such as the dimensions, cost, and unwieldiness of our Triennial Convention, if not now at least in the near future, the need of a higher and safer judiciary than that of a single Diocese, a more intelligent mode of assent to the consecration of Bishops, a more simple and effective working of missions, and a foreclosure of sporadic, grotesque, and inconsistent measures of combination.

The committee asked to be continued, in order that a more specific report be presented to the next Convention.

This request was granted and the committee continued.

CONVENTION OF 1895

This committee reported to the Convention of 1895 asking to be continued, which request was granted.

The House of Bishops in this Convention approved a new article to the Constitution providing for the division of the Church into provinces; each province to consist of not less than five contiguous dioceses, with an archbishop at the head of each province.

The House of Deputies referred this message of the House of Bishops together with the report of the joint commission of the revision of the Constitution and Canons to the joint commission to report to the next Convention.

CONVENTION OF 1898

Article VII of the Constitution was proposed by both houses of this Convention, after another proposed article providing for state provinces had been defeated by an overwhelming majority.

CONVENTION OF 1901

This Convention, in its completion of the revision of the Constitution, adopted the present article of the Constitution, providing for a division of the Church into provinces. From the Convention of 1865, when the subject of provinces was mooted in General Convention, until the General Convention of 1901, when the article of the Constitution authorizing the erection of provinces was enacted, there was not a single General Convention in which some action was not taken, in one house or the other, either upon the provincial system or on federate councils.

The article of the Constitution provided that dioceses and missionary districts might be united into provinces in such manner, under such conditions, and with such powers, as should be provided by canon of the General Convention. This was simply an authorization for the General Convention to enact a canon that would establish the provincial system. Two canons to effect this were introduced in the House of Deputies in the Convention of 1901, and both were referred to a joint commission created by the Convention to draw up and present to the next General Convention a canon on the subject of provinces as provided in Article VII.

CONVENTION OF 1904

This joint commission reported a proposed canon on provinces to the Convention of 1904, but no action was taken in either house thereon, except to continue the commission, and recommit the proposed canon to the commission.

CONVENTION OF 1907

The joint commission again reported a proposed canon on provinces to the Convention of 1907, which the House of Bishops adopted with slight amendments. The House of Deputies refused to concur in the adoption of the proposed canon through nonconcurrence of orders; the clergy favoring the canon by a large majority; and the laity opposing it by an equally large majority. The Joint Committee on Provinces was continued with instructions to report to the next Convention.

After the defeat of the proposed canon to establish provinces, an amendment to the canon "Of the Domestic and Foreign Missionary Society" was adopted by the House of Deputies and concurred in by the House of Bishops.

This amendment provided for the organization of the Church into missionary departments, following the proposed geographical division as provided in the canon on provinces. Each department was given power to organize a missionary council auxiliary to the Board of Missions, and was intended to take the place of a provincial system.

CONVENTION OF 1910

The joint commission reported to this Convention that, in their judgment, "it was undesirable at this time to press the matter of Provinces, more especially since several of the most important objects aimed at by the proposed provincial organization are secured by the provision of Judicial Departments and of the Missionary Departments, and it seems desirable to allow the Missionary Councils to develop." The commission, however, requested that it be continued, and the request was granted.

CONVENTION OF 1913

After six years' trial, missionary councils were found to be a poor substitute for provincial synods. The one great weakness of the missionary councils was their inability to legislate; they could only talk on missionary matters, with the result that few laymen attended the councils. They were universally acknowledged to be failures as substitutes for provincial synods. Realizing that the Convention was now ready to adopt a provincial system, the joint commission reported a proposed canon on provinces to the General Convention of 1913, which, after being amended in the House of Deputies, was enacted by both houses of Convention, with practically no opposition; only two dioceses voting in the negative in the clerical order, and ten in the lay order.

The canon as adopted by the Convention of 1913 was as follows:

CANON 50 OF PROVINCES

Sec. 1. Subject to the proviso in Article VII of the Constitution, the Dioceses and Missionary Districts of this Church shall be and are hereby united into Provinces as follows:

The First Province shall consist of the Dioceses within the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island and Connecticut.

The Second Province shall consist of the Dioceses within the States of New York and New Jersey, and the Missionary District of Porto Rico.

The Third Province shall consist of the Dioceses within the States of Pennsylvania, Delaware, Maryland, Virginia, West Virginia and the Diocese of Washington.

The Fourth Province shall consist of the Dioceses and Missionary Districts within the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee and Kentucky.

The Fifth Province shall consist of the Dioceses within the States of Ohio, Indiana, Illinois, Michigan and Wisconsin.

The Sixth Province shall consist of the Dioceses and Missionary Districts within the States of Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Montana, Wyoming and Colorado.

The Seventh Province shall consist of the Dioceses and Missionary Districts within the States of Missouri, Arkansas, Texas, Kansas, Oklahoma and New Mexico.

The Eighth Province shall consist of the Dioceses and Missionary Districts within the States of Idaho, Utah, Washington, Oregon, Nevada, California, Arizona, the Territories of Alaska and Hawaii, and the Missionary District of the Philippine Islands.

Sec. 2. When a new Diocese or Missionary District shall be created wholly within any Province, such new Diocese or Missionary District shall be included in such Province. In case a new Diocese or Missionary District shall embrace territory in two or more Provinces, it shall be included in and form a part of the Province wherein the greater number of Presbyters and Deacons in such new Diocese or Missionary District shall at the time of its creation be canonically resident. Whenever a new Diocese or Missionary District shall be formed of territory not before included in any Diocese or Missionary District, the General Convention shall designate the Province to which it shall be annexed.

Sec. 3. For the purposes of the Province the Synodical rights and privileges of the several Dioceses and Missionary Districts within the Province shall be such as from time to time shall be determined by the Synod of the Province.

Sec. 4. The representative body in the Province shall be a Provincial Synod composed of all the Bishops residing within the bounds of the Province having seats in the House of Bishops of the General Convention, and Clerical and Lay Deputies chosen by the several Dioceses and Missionary Districts. Each Diocese and Missionary District shall prescribe the manner in which its Deputies shall be chosen. The Bishops may sit and deliberate in council separately whenever they may deem it necessary.

Sec. 5. The President of each Provincial Synod shall be one of the Bishops of the Province elected by the Synod by the concurrent vote of the three orders and by a plurality in each order. He shall hold office for such term as the Synod may determine.

Sec. 6. The Provincial Synod when duly organized shall have power (1) to enact ordinances for its own regulation and government; (2) to act as or to provide for (a) a Provincial Board of Missions, (b) a Provincial Board of Religious Education, and (c) a Provincial Board of Social Service, to be severally auxiliary to the general Boards having jurisdiction of these subjects; (3) to elect judges of the

Court of Review; (4) to perform such other duties as may be committed to it by General Convention; (5) to deal with all matters within the Province, provided that no Provincial Synod shall have power to regulate or control the policy or internal affairs of any constituent Dioceses or Missionary Districts, and provided further that all actions and proceedings of the Synod shall be subject to and in conformity with the provisions of the Constitutions and Canons for the government of this Church.

Sec. 7. The President of the existing Missionary Council in each Department shall within one year after this Canon takes effect summon the Primary Synod of the Province to meet at some convenient place within the Province.

Sec. 8. The Primary Synod, in addition to the Bishops, shall consist of four Clerical and four Lay Deputies from each Diocese and Missionary District in the Province, elected by its Convention or Convocation. In case there be no meeting of the Convention of a Diocese or of the Convocation of a Missionary District before the meeting of the Primary Synod, the delegates elected for the last Missionary Council shall serve.

Sec. 9. The Primary Synod when thus convened, a majority of those entitled to seats being present, and when it shall have chosen its proper officers, shall be organized for business.

Sec. 10. Upon the completion of the organization of any Province it shall be entitled to receive and there shall be transferred to it from the officers of the Missionary or Educational Department theretofore embraced within the territory of such Province, all of the records and the funds held by such officers, and thereafter such funds shall be devoted to the purposes for which the same were held by the Missionary or Educational Department.

Sec. 11. The present organization of the Missionary Departments and of Department Boards of Religious Education, and all officers and committees elected or appointed by the same shall continue until the Provincial Synods are duly organized.

CONVENTION OF 1919

Three of the provincial synods presented memorials to the Convention of 1919, praying for such amendments to the canon on provinces as would give increased powers to provincial synods.

These memorials were referred to a Joint Committee on Provincial Memorials relating to enlarged powers of provincial synods.

This joint committee reported to each house several amendments to the canon on provinces, of which the following were adopted by the Convention:

Sec. 4. There shall be in each Province a Synod consisting of a House of Bishops and a House of Deputies, which Houses shall sit and deliberate either separately or together.

Sec. 5. Every Bishop of this Church, having jurisdiction within the Province, every Bishop Coadjutor and Suffragan Bishop, and every Bishop whose episcopal work has been within the Province, but who by reason of advanced age or bodily

infirmity has resigned, shall have a seat and vote in the House of Bishops of the Province.

Sec. 6. Each Diocese within the Province shall be entitled to representation in the Provincial House of Deputies by four Presbyters, canonically resident in the Diocese, and four Laymen, communicants of this Church, having domicile in the Diocese, but the Provincial Synod, by Ordinance, may increase the representation to not more than six in each order. Each Diocese shall determine the qualifications of its Deputies and the manner in which they shall be chosen. Each Missionary District within the Province shall be entitled to representation in the Provincial House of Deputies by two Presbyters, canonically resident in the District, and by two Laymen, communicants of this Church, having domicile in the Missionary District, but the Provincial Synod, by Ordinance, may increase the representation to not more than three in each order. Each Missionary District shall determine the manner in which its Deputies shall be chosen.

Sec. 7. The Provincial Synod when duly organized shall have power (1) to enact Ordinances for its own regulation and government; (2) to act as or to provide for (a) a Provincial Board of Missions; (b) a Provincial Board of Religious Education, and (c) a Provincial Board of Social Service, to be severally auxiliary to the general Boards having jurisdiction of these subjects; (3) to elect judges of the Court of Review; (4) to perform such other duties as may be committed to it by General Convention; (5) to provide for the making of a survey of resources and needs, Provincial and Diocesan, preceding the meeting of each General Convention, for presentation to the General Convention; (6) to deal with all matters within the Province, provided that no Provincial Synod shall have power to regulate or control the policy or internal affairs of any constituent Diocese or Missionary District, and provided further that all actions and proceedings of the Synod shall be subject to and in conformity with the provisions of the Constitutions and Canons for the government of this Church.

Sec. 8. Whenever the General Convention shall refer any subject to the Provincial Synods, or any of them, for their consideration, it shall be the duty of such Synods to consider the subject or subjects so referred to them at the first meeting of the Synod held after the adjournment of the General Convention, and to report their action and judgment in the matter to the Secretary of the House of Bishops and to the Secretary of the House of Deputies at least six months before the date of the meeting of the next General Convention.

Sections 10 and 11 of the former canon were repealed.

The Convention also enacted an amendment to Canon 6, giving to provincial synods the power to form provincial boards of examining chaplains.

CONVENTION OF 1922

This Convention made three amendments to Canon 54, as follows: A new section was inserted in the canon, numbered 6, to read as follows:

Sec. 6. The President of each Province shall be one of the Bishops of the Province, elected by the Synod by the concurrent vote of the three orders, and by a

plurality in each order. He shall hold office for such term as the Synod may determine.

The following sections were renumbered accordingly.

By a singular oversight, when the canon was amended by the Convention of 1919, no provision was made for the election of the president of the synod. Section 6 was inserted to correct this omission.

Section 7 of the canon was amended by striking out the words: "Each Diocese shall," in the eighth line, and inserting in place thereof the following words: "Each Province may."

The former section provided that each diocese was to determine the qualifications of its deputies to the provincial synod and the manner in which they were to be chosen. The section as amended provided that the province might determine the qualifications of its deputies and the manner in which they were to be chosen. This amendment was in harmony with the general rule that a legislative body shall be the judge of the qualifications of its own members.

Section 8 was amended to read as follows:

Sec. 8. The Provincial Synod when duly organized, shall have power (1) to enact Ordinances for its own regulation and government; (2) to elect the judges of the Provincial Court of Review; (3) to create by Ordinance a Provincial Council with power to administer and carry on such Missionary, Educational, and Social work of the Church in the Province, as may be committed to it by the General Convention or by the Presiding Bishop and the National Council; (4) to perform such other duties as may be committed to it by the General Convention; (5) to deal with all matters within the Province; *Provided, however*, that no Provincial Synod shall have power to regulate or control the internal policy or affairs of any constituent Diocese or Missionary District, and, *Provided, further*, that all actions and proceedings of the Synod shall be subject to and in conformity with the provision of the Constitution and Canons for the government of this Church.

The former section provided for provincial boards of missions, education, and social service, auxiliary to the general boards having jurisdiction of these subjects, but these general boards were done away with by the enactment of the canon providing for a Presiding Bishop and National Council to take the place of the said boards, and the canon needed to be amended so as to provide for provincial councils, and thus bring the organization of the synod into harmony with the national organization of the Church. The new section also provided that these provincial councils shall have power to administer and carry on such missionary, educational, and social work of the Church as may be committed to them by the Presiding Bishop and the Na-

tional Council, as well as such work committed to them by the General Convention.

The former provision (5) for the synod making a survey of resources and need, both provincial and diocesan, for presentation to the General Convention was stricken out, as it seemed unnecessary for the synod to do the same work that the council was doing.

CONVENTION OF 1925

At this Convention paragraph 2 of Section 1 was amended by adding Haiti to the second province, and paragraph 4 by the addition of the Panama Canal Zone to the fourth province.

CONVENTION OF 1928

Section 8 was amended by adding clause (vi), giving the provincial synod power to create a provincial council to administer and carry on such work as may be committed to it by the General Convention, or by the Presiding Bishop and the National Council or by the synod of the province.

A new Section 9 was added in the form of the present Section 9, and Section 9 was renumbered Section 10.

CONVENTION OF 1931

At this Convention the canon was renumbered Canon 52.

CONVENTION OF 1934

Section 1 was amended to its present form, the effect being to transfer the Panama Canal Zone to the second province.

CONVENTION OF 1937

Section 7 was amended to the present form of Section 7.

The amendment of Section 7 to its present form partially undoes the work of the Convention of 1922, *supra*, but leaves the canon still in accordance with parliamentary rules. The right to determine the manner in which its deputies are to be chosen is restored to the dioceses and missionary districts as provided under Section 6 of the Canon of 1919 (*supra*). However, the present canon does not specify what body is to determine the qualifications of the deputies and so presumably the ordinary parliamentary rule would apply and each

Provincial House of Deputies would determine for itself whether the deputies chosen by the dioceses and missionary districts possess the qualifications prescribed by Canon 8, Section 7.

CONVENTION OF 1940

The canon was renumbered Canon 54.

CONVENTION OF 1943

In the rearrangement of canons at this Convention, this canon became Canon 8.

CONVENTION OF 1952

At this Convention Section 1 was amended by inserting the words "The Virgin Islands" in the paragraph defining the second province; and in the paragraph defining the eighth province, the words "the Philippine Islands" were corrected to read "the Philippines."

EXPOSITION OF CANON 8

The General Convention authorized the several dioceses contained within a state to form a federate council, as a sort of makeshift for a province. But federate councils proved a failure and died almost before they were born.

Even after the enactment of the article of the Constitution providing for the enactment of canons establishing the provincial system, the House of Deputies refused to concur with the House of Bishops in the enactment of such a canon, and amended the missionary canon so as to provide for the division of the Church into eight departments, each department to have the power to organize a missionary council, to be composed of the bishops of the department, and four clerical and four lay deputies from each of the constituent dioceses and missionary districts. This substitute for provinces proved just as much of a failure as did the federate councils, and after it had been tried for six years, it was abandoned with none so poor as to do it reverence.

Finally, in the Convention of 1913, the canon establishing the provincial system in the American Church was enacted, and with but little opposition, after nearly fifty years of agitation of the subject in every intervening General Convention.

The powers granted to the provincial synods by the Canon of 1913 were exceedingly limited. They had power to act as, or provide for,

boards of missions, of religious education and of social service; but these boards were to be auxiliary to the general boards and were not to have any power of initiative or independent action. They had the power to elect members of the Court of Review for the province, and were given the right to deal with all matters within the province, provided they did not attempt to regulate or touch the policy or internal affairs of any constituent diocese or missionary district. But as all matters of importance within a province are controlled either by the Constitution and Canons of the General Convention or of the several dioceses, there was nothing of importance left for the provincial synods to deal with. Practically, no legislative power was granted to the synods, and it was soon found that the provincial synods could only resolve themselves into more or less interesting debating societies on missionary, educational, and social matters.

It soon became evident that if the provincial system was to live and grow, if it was to be of any practical use to the Church, then it was absolutely necessary that the powers granted to the provincial synods be greatly increased. Three provincial synods memorialized the General Convention of 1919 for a grant of increased powers. These memorials were referred to a joint committee, which reported certain amendments to the canon providing for some increased powers to be granted to provincial synods. Some of the amendments proposed by the joint committee were adopted by the Convention.

One of the amendments adopted provided that the provincial synod should consist of two houses, a House of Bishops, and a House of Deputies, and that the two houses might sit and deliberate either separately or together. The former canon provided for only one House, consisting of bishops, clergy and laity, though permission was given for the bishops to meet in council.

Another amendment provided for the number of deputies from each diocese and missionary district in the provincial synod. The former canon made no provision for the number of deputies, simply stating that the synod should consist of all the bishops in the province, and clerical and lay deputies chosen by the several dioceses and missionary districts. This amendment also provided that each missionary district should have only one-half the number of deputies to which a diocese was entitled.

Another power granted, was the right, as well as the duty of provincial synods, to consider any subjects referred to them by the General Convention at their first meeting after the adjournment of the

General Convention, and to report their action and judgment in the matter to the secretary of each house of General Convention at least six months before the meeting of said Convention.

There are possibilities for great influence in the legislation of the Church contained in this provision of the canon, but those possibilities also contain elements of danger that need to be carefully guarded against. To throw every question that might come up before the next General Convention into the provincial synods for debate and determination might not be wise.

Another power granted to the provincial synods, now contained in Canon 31, is the right to form provincial boards of examining chaplains.

The special joint committee on enlarged powers of provincial synods also recommended the adoption of the following amendments to the canons, which were not approved by the Convention:

1. To provide a uniform composition of diocesan trial courts within the province, and a method of procedure in such courts. This proposed amendment was adopted by the House of Bishops, but not concurred in by the House of Deputies because of a question as to its constitutionality.

2. That the president of a province should have authority to advise any bishop of the province, at his request; and also to arbitrate any question at issue between a bishop of the province and one of his clergy, when both parties thereto request it.

3. That Article II, Sec. 2, of the Constitution be amended so as to require the consent of two-thirds of the bishops of a province to the consecration of a bishop who is to exercise his jurisdiction within the province, and the consent of two-thirds of the standing committees of the diocese within the province.

4. That Article VII of the Constitution be amended by adding thereto the several provinces with their constituent dioceses and missionary districts.

As will be noted only a few of the recommendations of the committee for giving increased powers to the provincial synods were adopted by the Convention. The General Convention is an exceedingly conservative body and believes in making haste slowly. It still looks upon the provincial system with some suspicion, and will not grant to the provincial synod any large measure of powers at once. It may be well to let the provincial system prove its worth before granting extensive powers, but at the same time it must be considered

that, as before stated, if the provincial system is to live and grow, the powers granted to the provincial synods must be increased.

Canon 40, Section 2 (b), provides for permissive action by a provincial synod by way of nominations not to exceed three persons to the House of Deputies for the office of missionary bishop of a district within the province when a vacancy occurs in such office. The synod is not, however, required to make such nominations and the House of Bishops may consider nominations of other persons which may be made in accordance with the Rules of Order of the house.

CANON 9

Of New Dioceses

Primary
Convention

SECTION 1. Whenever a new Diocese shall be formed within the limits of any Diocese, or by the junction of two or more Dioceses, or parts of Dioceses, or in a Missionary District, and such action shall have been ratified by the General Convention, the Bishop of the Diocese or Missionary District within the limits of which a Diocese is formed, or in case of the junction of two or more Dioceses or Missionary Districts, or parts of Dioceses or Missionary Districts, the senior Bishop by consecration, shall thereupon call the Primary Convention of the new Diocese, for the purpose of enabling to organize, and shall fix the time and place of holding the same, such place being within the territorial limits of the new Diocese.

How called
when there
is no Bishop

SEC. 2. In case there should be no Bishop who can call such Primary Convention, pursuant to the foregoing provision, then the duty of calling such Convention for the purpose of organizing and of fixing the time and place of its meeting, shall be vested in the Standing Committee of the Diocese or Council of Advice of the Missionary District within the limits of which the new one is erected, or in the Standing Committee or Council of Advice of the oldest of the Dioceses or Missionary Districts by the junction of which, or of parts of which, the new Diocese may be formed. And such Standing Committee, or Council of Advice, shall

make the call immediately after ratification of the General Convention.

SEC. 3. Whenever one Diocese is about to be divided into two Dioceses, the Convention of such Diocese shall declare which portion thereof is to be the new Diocese, and shall make the same known to the General Convention before the ratification of such division.

In case of
division of
existing
Diocese

SEC. 4. Whenever a new Diocese shall have organized in Primary Convention in accordance with the provisions of the Constitution and Canons in such case made and provided, and in the manner prescribed in the previous Sections of this Canon, and shall have chosen a name and acceded to the Constitution of the General Convention in accordance with Article V., Section 1 of the Constitution, and shall have laid before the General Convention certified copies of the Constitution adopted at its Primary Convention, and the proceedings preparatory to the formation of the proposed new Diocese, such new Diocese shall thereupon be admitted into union with the General Convention.

How
admitted,
into union
with General
Convention

SEC. 5. The Convocation of a Missionary District at the time of its organization as a Diocese, shall be entitled to elect Deputies to the succeeding General Convention, and also to elect a Bishop, if the Missionary Bishop in charge of such District shall elect not to become the Bishop of said Diocese.

Convocation
may elect
Bishop and
Deputies

SEC. 6. (a). When a Diocese, and another Diocese which has been formed either by division therefrom or by erection into a Diocese of a Missionary District formed by division therefrom, shall desire to be reunited into one Diocese, the proposed reunion must be initiated by a mutual agreement between the Conventions of the two Dioceses, consented to by the Ecclesiastical Authority of each Diocese. If the said agreement is made and the consents given more than three months before the next meeting of the General Convention, the fact of the agreement and consents shall be certified by the Ecclesiastical Authority and the

Provision for
Reunion of
Dioceses

Secretary of the Convention of each Diocese to all the Bishops of the Church having jurisdiction in the United States, and to the Standing Committees of all the Dioceses; and when the consents of a majority of such Bishops and of a majority of the Standing Committees to the proposed reunion shall have been received, the facts shall be similarly certified to the Secretary of the House of Deputies of the General Convention, and thereupon the reunion shall be considered complete. But if the agreement is made and the consents given within three months of the next meeting of the General Convention, the facts shall be certified instead to the Secretary of the House of Deputies, who shall lay them before the two Houses; and the reunion shall be deemed to be complete when it shall have been sanctioned by a majority vote in the House of Bishops, and in the House of Clerical and Lay Deputies voting by orders.

(b). The Bishop of the parent Diocese shall be the Bishop, and the Bishop of the junior Diocese shall be the Bishop Coadjutor, of the reunited Diocese; but if there be a vacancy in the Episcopate of either Diocese, the Bishop of the other Diocese shall be the Bishop, and the Bishop Coadjutor if there be one shall be the Bishop Coadjutor, of the reunited Diocese.

(c). When the reunion of the two Dioceses shall have been completed, the facts shall be certified to the Presiding Bishop and to the Secretary of the House of Deputies. Thereupon the Presiding Bishop shall notify the Secretary of the House of Bishops of any alteration in the status or style of the Bishop or Bishops concerned, and the Secretary of the House of Deputies shall strike the name of the junior Diocese from the roll of Dioceses in union with the General Convention.

CONVENTION OF 1838

When the Constitution was adopted by the Convention of 1789, the bounds of a state and of a diocese were coterminous, and apparently the state was considered the unit of diocesan organization.

It was not until the Diocese of New York, having become too large

for one bishop to administer effectively, through its Convention, presented a memorial to the General Convention of 1835, praying for a division of that diocese, that consideration of the question became necessary. This memorial called for an inquiry into the matter, and a committee was appointed to determine what alterations were necessary in the Constitution to authorize the division of a diocese, or the creation of a diocese of less extent than a state, thus indicating, as was stated in the discussion of Article V, that it was supposed there was no authority for either in the Constitution as it existed at that time.

This committee reported to the Convention of 1835 that it was evident that a division of the larger dioceses would soon be necessary, and recommending certain changes in the Constitution necessary to effect such division. The Convention approved the changes recommended, and finally adopted the proposed amendments to Article V, in 1838.

In order to carry out the provisions of this amended article, the same Convention enacted a new canon, Canon 8 of that year, which read as follows:

Sec. 1. Whenever any new Diocese shall be formed within the limits of any other Diocese, or by the junction of two or more Dioceses or parts of Dioceses, and the same shall have been ratified by the General Convention, the Bishop of the Diocese within the limits of which another is formed, or in case of the junction of two or more Dioceses or parts of Dioceses, the Bishop of eldest consecration over the Dioceses furnishing portions of such new Diocese, shall thereupon call the Primary Convention of the new Diocese for the purpose of enabling it to organize, and shall fix the time and place of holding the same, such place being within the territorial limits of the new Diocese.

Sec. 2. In case there should be no Bishop who can call such Primary Convention pursuant to the foregoing provisions, then the duty of calling such Convention for the purpose of organizing, and the duty of fixing the time and place of its meeting, shall be vested in the Standing Committee of the oldest of the Dioceses, by the junction of which, or parts of which, the new Diocese may be formed. And such Standing Committee shall make such call immediately after the ratification of a division by the General Convention.

Sec. 3. Whenever one Diocese is about to be divided into two Dioceses, the Convention of the said Diocese shall declare which portion is to be the new Diocese, and shall make the same known to the General Convention before the ratification of such division.

This canon simply made provision for two things: first, who should call the primary convention, and second, which portion of the divided diocese was to be the new diocese.

CONVENTION OF 1871

A question having arisen in the House of Deputies in this Convention as to the time when the act of ratification of the division of the Diocese of Pennsylvania should take place, it was deemed advisable, in order to prevent controversy in the future over the admission of a new diocese, to add a new section to the canon on the admission of new dioceses, then Title III, Canon 6, and the Convention enacted the following amendment thereto:

Sec. 4. Whenever the formation of a new Diocese shall be ratified by the General Convention, such new Diocese shall be considered as admitted under Article V of the Constitution, so soon as it shall have organized in Primary Convention, in the manner prescribed in the previous Sections of this Canon, and the naming of the new Diocese shall be a part of its organization.

CONVENTION OF 1874

The Convention of 1874 amended Section 2 of the canon by inserting after the words "Standing Committee" in the sixth line thereof the following:

of the Diocese within the limits of which the new one is erected, or the Standing Committee.

CONVENTION OF 1904

In the revision of the Digest of Canons by the Convention of 1904, Sections 1 and 2 were amended as they read at present.

Section 3 remained without amendment.

Section 4 was amended by inserting after the word "Canon" in the sixth line, the following:

and shall have acceded to the Constitution.

A new section was added as follows:

Sec. 5. The convocation of a Missionary District at the time of its organization as a Diocese, shall be entitled to elect a Bishop and also Deputies to the succeeding General Convention.

CONVENTION OF 1916

This Convention amended Section 4 of the canon to read as follows:

Sec. 4. Whenever a new Diocese shall have organized in Primary Convention in accordance with the provisions of the Constitution and Canons in such case made and provided, and in the manner prescribed in the previous sections of this

Canon, and shall have chosen a name and acceded to the Constitution of the General Convention in accordance with Article V, Section 1, of the Constitution, and shall have laid before the General Convention certified copies of the Constitution adopted at its Primary Convention, and the proceedings preparatory to the formation of the proposed new Diocese, such new Diocese shall thereupon be admitted into union with the General Convention.

As will be noted, under this amended section, more is required of a new diocese before it can be admitted into union with the General Convention. It must show by certified copies that all the proceedings preparatory to its formation have been canonically performed, and must also lay before the General Convention a certified copy of its diocesan Constitution.

CONVENTION OF 1922

This Convention amended Canon 56 by striking out Section 5, and inserting a new Section 5, to read as follows:

Sec. 5. The Convocation of a Missionary District at the time of its organization as a Diocese, shall be entitled to elect Deputies to the succeeding General Convention, and also to elect a Bishop, if the Missionary Bishop in charge of such District shall elect not to become the Bishop of said Diocese.

This amended section was necessary, as the section before it was amended was in conflict with Article II, Section 1 of the Constitution, which prescribed that when a diocese shall be formed out of a missionary district, the missionary bishop in charge thereof shall become the bishop of said diocese, if he shall so elect, while the former section provided that the new diocese should be entitled to elect a bishop.

CONVENTION OF 1931

At this Convention this canon was renumbered Canon 54.

CONVENTION OF 1937

A resolution was offered in the House of Bishops looking to the amendment of Article V of the Constitution, and this canon which was referred to committee and never reported. The text of the resolution is not printed in the Journal.

CONVENTION OF 1940

The canon was renumbered Canon 56.

CONVENTION OF 1943

On the rearrangement of canons at this Convention, this canon was renumbered Canon 9 and a new Section 6, providing for the reunion of dioceses, was added in its present form.

EXPOSITION OF CANON 9

Since this canon is so similar to Article V of the Constitution, the exposition of it, *supra*, is an exposition of the canon.

CANON 10

Of Changes in the Territory of Missionary Districts

Proposal to
be submitted
to Dioceses
and Districts

SECTION 1. Whenever it is proposed to increase, diminish, retrocede, or otherwise change the territory of a Missionary District within the United States, no action shall be taken by the General Convention until the proposal has been submitted to the Bishop and Convention and the Bishop and Convocation of each Diocese and Missionary District involved.

Any
action on
proposal to
be certified

SEC. 2. Any action taken by the Convention or Convocation upon such proposal, as prescribed in the foregoing Section, shall be certified without delay to the Secretary of the House of Bishops and the Secretary of the House of Deputies, whereupon the General Convention may proceed to act in accordance with Article VI., Section 3, of the Constitution.

This was a new canon adopted at the Convention of 1946 and not amended.

EXPOSITION OF CANON 10

This canon is a limitation on the power of the General Convention to change the territory of a missionary district. In effect it requires proposal at one Convention and action at the next and emphasizes the power of General Convention over missionary districts, the territory of which it may change under Article VI, Section 1, of the Constitution.

CANON 11

Of Standing Committees

SECTION 1. In every Diocese the Standing Committee shall elect from their own body a President and a Secretary. They may meet in conformity with their own rules from time to time, and shall keep a record of their proceedings; and the President may summon a special meeting whenever he may deem it necessary. They shall be summoned on the requisition of the Bishop, whenever he shall desire their advice; and they may meet of their own accord and agreeably to their own rules when they may be disposed to advise the Bishop.

Meetings

SEC. 2. In all cases in which a Canon of the General Convention directs a duty to be performed, or a power to be exercised, by a Standing Committee, or by the Clerical members thereof, or by any other body consisting of several members, a majority of said members, the whole having been duly cited to meet, shall be a quorum; and a majority of the quorum so convened shall be competent to act, unless the contrary is expressly required by the Canon.

Quorum

Majority of
a quorum
competent
to act

SEC. 3. When it is certified to the Presiding Bishop by at least three reputable physicians who shall have examined the case, that the Bishop of any Diocese is incapable of authorizing the Bishop Coadjutor, if there be one, or a Suffragan Bishop, if there be one, or the Standing Committee, to act as the Ecclesiastical Authority, then upon the advice of five Bishops of the neighboring Dioceses, to be selected by the Presiding Bishop, the Bishop Coadjutor, if there be one, or a Suffragan Bishop, if there be one, and if the Constitution and Canons of the Diocese so provide, or the Standing Committee, shall be declared by the Presiding Bishop to be the Ecclesiastical Authority for all purposes set forth in these Canons, and shall retain such authority until such time as, acting upon a like certificate, the Presiding Bishop shall declare the said Bishop competent to perform his official duties.

Procedure
as to
Ecclesiastical
Authority
in case of
disability of
the Bishop

CONVENTION OF 1789

The first mention of a standing committee found in the Canons of General Convention is incidental, and found in Canon 6 of 1789. It occurs in reference to the testimonials required of a candidate for Holy Orders. The portion of the canon relating to the standing committee was, in part, as follows:

Every candidate for Holy Orders shall be recommended to the Bishop by a Standing Committee of the Convention of the State wherein he resides, which recommendation shall be signed by the names of a majority of the Committee, and shall be in the following words:

In every State in which there is no Standing Committee, such Committee shall be appointed at its next ensuing Convention; and in the meantime, every candidate for Holy Orders shall be recommended according to the regulations or usage of the Church in each State, and the requisitions of the Bishop to whom he applies.

The part of the canon omitted herein related to the form of the testimonial given by the standing committee, and the production of certain testimonials.

Before the General Convention of 1789 there were bodies called standing committees in several of the states. In Virginia, a standing committee was appointed in 1785. Its powers were considerable, among which was the power to receive complaints against the clergy and provide for courts of examination.

In Maryland, a standing committee was appointed in 1788, to which was committed all matters of government and discipline during the recess of the diocesan convention.

In New York, a standing committee was appointed in 1787, to advise with the bishop in all matters on which he desired to consult them.

As Judge Hoffman says (*Church Law*, p. 212), "These bodies arose, in fact, from the necessities of the Church, and were the organs of government, where there was no Bishop, during the recess of the convention; and this may account for the 6th Canon of 1789 appearing to refer to them as already known in the Church system."

The introduction of a body of men, called a standing committee, in the Canons of the General Convention, is due probably, to the felt necessity of subjecting candidates for Holy Orders to some scrutiny before they were ordained.

CONVENTION OF 1808

The next canons on this subject were Canons 4 and 24 of 1808, the first of which read as follows:

In every State or Diocese, there shall be a Standing Committee, to be appointed by the Convention thereof.

Canon 24 was as follows:

In every Diocese or State where there is a Bishop, the Standing Committee shall be a council of advice to the Bishop. The president of the Standing Committee shall be the person to summon them. They shall be summoned on the requisition of the Bishop, whenever he shall wish for their advice. And they may meet of their own accord, and agreeably to their own rules, when they may be disposed to advise the Bishop.

When standing committees were first established by General Convention, no other duty was prescribed to them than that of acting on the testimonials of candidates for orders. The constituting them as a council of advice to the bishop was evidently an afterthought, and not prescribed by the canons until 1808.

The plain reading of the canon would seem to indicate that the bishop was not entitled, of right, to be present at a meeting of the standing committee, except when he had summoned it as a council of advice. And even when he was present, he was not entitled to preside, as provision was expressly made for a president of that body.

CONVENTION OF 1832

In the revision of the canons by the Convention of 1832 these several canons were combined in one canon, numbered Canon 4, and amended to read as follows:

Sec. 1. In every Diocese there shall be a Standing Committee, to be appointed by the Convention thereof, whose duties except so far as provided for by the Canons of the General Convention, may be prescribed by the Canons of the respective Dioceses. They shall elect from their own body a President and a Secretary. They may meet on their own adjournment, from time to time; and the President shall have power to summon special meetings whenever he shall deem it necessary.

Sec. 2. In every Diocese where there is a Bishop, the Standing Committee shall be a council of advice to the Bishop. They shall be summoned on the requisition of the Bishop whenever he shall wish for their advice. And they may meet of their own accord, and agreeably to their own rules, when they may be disposed to advise the Bishop.

Sec. 3. When there is no Bishop, the Standing Committee is the ecclesiastical authority for all purposes declared in these canons.

This canon would seem to make certain the indication of the former canon that the bishop was not entitled of right to a seat in the standing committee, except when he had summoned them as a council of advice.

This canon, for the first time, made the standing committee the ecclesiastical authority of the diocese when there was no bishop. As will be noted the powers granted to a standing committee were a matter of growth and granted as the necessities of the Church would seem to require.

The Convention of 1832 also enacted the following canon, Canon 53, On the Requisites of a Quorum:

In all cases in which a canon directs a duty to be performed, or a power to be exercised, by a Standing Committee, or by the Clerical Members thereof, or any other body consisting of several members, a majority of the said members, the whole having been duly cited to meet, shall be a quorum: and a majority of the quorum so convened, shall be competent to act, unless the contrary is expressly required by the Canon.

While this canon was designed principally to apply to the case of standing committees, it extended to all committees and made necessary a meeting of the members who were empowered to act.

CONVENTION OF 1841

A joint committee appointed by this Convention to report a canon defining the meaning of the words "ecclesiastical authority" in the several canons in which the words occur, and are not sufficiently explained, recommended the adoption of a canon of explanation, in part, as follows:

In Canon 4 of 1832, Section 3, it is implied that where there is a Bishop, he is the Ecclesiastical Authority of the Diocese unless it is otherwise declared in a Canon.

In Canon 10 of 1832, the words "other Ecclesiastical Authority, who may have the superintendence of candidates for Orders," mean the Clerical members of the Standing Committee, where there is no Bishop.

In Canon 17 of 1832, the words "Ecclesiastical Authority" mean the Clerical members of the Standing Committee, where there is no Bishop.

In Canon 19 of 1832, the words, "Ecclesiastical Authority," mean the Bishop, if there be one, if not, the Standing Committee.

The four expositions were adopted by the House of Deputies, after which the whole matter was laid upon the table, and no further action taken thereon.

CONVENTION OF 1865

Canon 53, of the Canons of 1832, Of The Requisites of a Quorum, was omitted in the revision of the Digest of Canons by the Convention of 1859, but was re-enacted by the Convention of 1865, as Title III, Canon 7.

CONVENTION OF 1904

This Convention amended the Canon Of Standing Committees to read as at present, except for the amendments made by the Convention of 1922.

CONVENTION OF 1922

This Convention amended Section 3 of the canon by inserting the words, "or a Suffragan Bishop, if there be one," after the words, "Coadjutor, if there be one"; also by inserting the words, "or a Suffragan Bishop, if there be one, and if the Constitution and Canons of the Diocese so provide," after the words, "Coadjutor Bishop, if there be one."

These amendments were made in order to bring the canon into harmony with Article II, Section 5, of the Constitution, which provides that a suffragan bishop may become the ecclesiastical authority in certain cases when the constitution and canons of the diocese so provide.

There have been no amendments of this canon since 1922. It was renumbered Canon 53 in 1931, Canon 55 in 1940, Canon 10 in 1943, and Canon 11 in 1946.

CONVENTION OF 1925

At this Convention a resolution was adopted by the House of Deputies but failed in the House of Bishops, which would have added a new clause in Section 3 as follows:

(ii) When the Bishop of a Diocese is under a disability by reason of a judicial sentence, the Standing Committee of such Diocese shall become the Ecclesiastical Authority thereof until such time as the Convention of the Diocese may place it under the provisional charge and authority of another Bishop.

CONVENTION OF 1943

A substitute for Section 3 was proposed in this Convention in the House of Bishops, which is not printed and which failed on recommendation of the Committee on Canons.

EXPOSITION OF CANON 11

As already stated, the first section of the canon clearly implies that unless the bishop shall have summoned the standing committee to meet as a council of advice, he is not entitled of right to be present at the meetings of the committee, and if he be present, he is not entitled to preside.

The second section, which is a re-enactment of Canon 53 of the Canons of 1832, and Canon 7 of Title III, of the Canons of 1865, applies not only to standing committees, but to all bodies consisting of several members, and requires that all the members thereof shall be duly cited to meet, and that a quorum thereof must be present to constitute a legal meeting, and be competent to act.

The third section provides the conditions under which the standing committee is to act as the ecclesiastical authority in the case of the physical disability of the bishop.

The cases in detail, in which the standing committee may exercise certain powers and perform certain duties, both in conjunction with the bishop, or by themselves, will be found stated under the separate canons prescribing such powers and duties.

The question, raised some years ago, whether standing committees may exercise their discretion in the confirmation of a bishop-elect, has been settled in the affirmative. Several cases have occurred in which standing committees have so acted in passing upon an episcopal election as certified by the diocesan convention, in case the validity of the election was denied. The first two cases, those of the Rev. Dr. Ogden, elected Bishop of New Jersey in 1799, and of Bishop Smith of Kentucky, elected bishop of that diocese in 1831, have already been considered. The next case was that of the Rev. Dr. DeKoven, elected Bishop of Illinois in 1874. The regularity and validity of the election in his case, however, was not questioned. The majority of the standing committees refused their consent to his election on the ground, as it was well understood at the time, of his publicly expressed views on the subject of Eucharistic Adoration. Several other cases have occurred in more recent years, where the validity of an episcopal election has been questioned, and where standing committees have felt themselves authorized to go behind the record of the election as certified by the diocesan convention holding the election.

The system represents a fundamental principle, viz.: that the clergy and laity of the Church, as represented either in the House of Deputies

or in the several standing committees, are entitled to a vote in the election of bishops, who are to exercise, among other things, the functions of senators for life in our supreme legislative council.

CANON 12

Of Parishes and Congregations

SECTION 1. Every Congregation of this Church shall belong to the Church in the Diocese or Missionary District, in which its place of worship is situated; and no Minister having a Parish or Cure in more than one jurisdiction shall have a seat in the Convention of any jurisdiction other than that in which he has canonical residence.

Congregation to belong to Diocese where its place of worship is situated
No Minister shall have a seat in more than one Convention

SEC. 2. (a). The ascertainment and defining of the boundaries of existing Parishes or Parochial Cures, as well as the establishment of a new Parish or Congregation, and the formation of a new Parish within the limits of any other Parish, is left to the action of the several Diocesan Conventions.

Parish boundaries

(b). Until a Canon or other regulation of a Diocesan Convention shall have been adopted, the formation of new Parishes, or the establishment of new Parishes or Congregations within the limits of existing Parishes, shall be vested in the Bishop of the Diocese, acting by and with the advice and consent of the Standing Committee thereof, and, in case of there being no Bishop, in the Ecclesiastical Authority.

Formation of new Parish within limits of existing Parish

SEC. 3. (a). Where Parish boundaries are not defined by law, or settled by Diocesan Authority under Section 2 of this Canon, or are not otherwise settled, they shall be defined by the civil divisions of the State as follows:

Parish boundaries, when not defined by Diocesan Conventions

Parochial boundaries shall be the limits as fixed by law, of a village, town, township, incorporated borough, city, or of some division of any such civil district, which may be recognized by the Bishop, acting with the advice and

consent of the Standing Committee, as constituting the boundaries of a Parish.

What is to
constitute
Parochial
Cure

(b). If there be but one Church or Congregation within the limits of such village, town, township, borough, city, or such division of a civil district, as herein provided, the same shall be deemed the Parochial Cure of the Minister having charge thereof. If there be two or more Churches or Congregations therein, it shall be deemed the Cure of the Ministers thereof.

Not to affect
legal rights

(c). This Canon shall not affect the legal rights of property of any Parish or Congregation.

CONVENTION OF 1795

The first canon on the subject was Canon 8 of 1795, which read as follows:

Whereas a question may arise, whether a congregation within the diocese of any bishop, or within any State in which there is not any bishop settled, may unite themselves with the Church in any other diocese or State, it is hereby determined and declared that all such unions shall be considered as irregular and void; and that every congregation of this Church shall be considered as belonging to the body of the Church of the diocese, or of the State, within the limits of which they dwell or within which there is seated a Church to which they belong. And no clergyman having a parish or cure in more than one State, shall have a seat in the Convention of any State, other than that in which he resides.

This canon was necessitated by a case which occurred a short time before the Convention of 1795 met. For many years before the War of the Revolution, there had been a Church in what was known as the Narragansett country, in the state of Rhode Island. After the consecration of Bishop Seabury as Bishop of Connecticut, the convention of the churches in Rhode Island declared Bishop Seabury to be the Bishop of the Church in that state. The Church in Narragansett, however, decided to unite itself with the Church in Massachusetts. In 1793, the standing committee of Massachusetts applied to Bishop Provost of New York, who ordained a clergyman for the Narragansett Church. A committee of the convention of Rhode Island reported that "this proceeding of the authority in Massachusetts was inconsistent with every principle of Episcopal government, and had a tendency to induce disorder and promote schism." (*Hawks' Con. and Canons*, p. 130)

The point of the Rhode Island committee was well taken. The de-

struction of all unity would ensue, if a congregation in one diocese could choose what bishop it would have minister to it. To prevent this, the canon was enacted.

CONVENTION OF 1817

This Convention enacted a canon, the first of that year, which was intended to be only temporary in its character. Its purpose was to permit episcopal congregations in Pennsylvania and Virginia, west of the Allegheny mountains, to place themselves under the charge of any bishop who might be consecrated for any state west of those mountains. This canon restricted the general application of the Canon 8 of 1795, afterwards, the Canon 37 of 1808, and read as follows:

In the event of there being a Bishop consecrated for any State or States westward of the Allegheny Mountains, it shall be lawful for the Episcopal congregations in Pennsylvania and Virginia, westward of the said mountains, or for those of either of the said States, to place themselves, with the consent of the Bishops of these States respectively, under the provisional superintendence of the Bishop the first referred to; the thirty-seventh Canon to the contrary notwithstanding. Further; it shall be lawful for such congregations in Pennsylvania, and for those in Virginia, the majority in each case concurring, to unite in Convention with the Church in any western State or States. These provisions are to cease whenever the consent for the continuance of them on the part of the Bishop of the Church in Pennsylvania or in Virginia, as the case may be, with the approbation of the General Convention, shall be withdrawn. In the case above referred to, the number of Clergymen specified in the second Canon shall not be requisite.

CONVENTION OF 1820

This Convention repealed the Canon 1 of 1817 as follows:

The principal object contemplated by the first Canon, passed in General Convention, in 1817, having been accomplished by the election and consecration of a Bishop for the Diocese of Ohio, the said Canon is hereby repealed.

CONVENTION OF 1832

In the revision of the Digest of Canons by this Convention, the canon under consideration became Canon 43. No amendment was made to the canon, except in the use of the word "diocese" in place of the word "state" in certain parts.

CONVENTION OF 1859

This Convention made a very thorough revision of the canons, placing them under appropriate Titles. The canon under consideration, Canon

43, was made Title III, Canon 5, and amended by the addition of two new sections as follows:

Sec. 2. (i) The ascertainment and defining of the boundaries of existing Parishes or parochial Cures, as well as the establishment of a new Church or Congregation, and forming a new parish within the limits of any other Parish, is left to the action of the several Diocesan Conventions, for the Dioceses respectively.

(ii) Until a Canon or other regulation of a Diocesan Convention shall have been adopted, the formation of new Parishes, or establishment of new Churches or Congregations within the limits of other Parishes, shall be vested in the Bishop of the Diocese acting by and with the advice and consent of the Standing Committee thereof; and in case of there being no Bishop, in the ecclesiastical authority.

(iii) Nothing contained in this Section shall affect any legal rights of property of any Parish.

Sec. 3. (i) It shall be lawful for persons belonging to this Church, but resident in any foreign country (other than Great Britain and Ireland and the Colonies and dependencies thereof), not within the limits of any Foreign Missionary Bishop of this Church, to organize as a Church or Congregation.

(ii) Such Church or Congregation shall be required, in its constitution, or plan, or articles of organization, to recognize and accede to the Constitution, Canons, Doctrine, Discipline and Worship of the Protestant Episcopal Church in the United States of America, in order to its being received under the direction of the General Convention of this Church.

(iii) In order to such reception, it shall be required to declare its desire therefor, duly certified by the Minister, one Church Warden, and two Vestrymen or Trustees of said Church or Congregation.

(iv) Such certificate and the constitution, plan or articles of organization shall be submitted to the General Convention during its session, or the Presiding Bishop of the House of Bishops at any other time; and in case the same are found satisfactory, a certificate thereof shall be forwarded to and filed by the Registrar of the Church, and such Church or Congregation shall thereupon become subject to and placed under the Episcopal government and jurisdiction of such Presiding Bishop for the time being.

(v) Such Presiding Bishop may from time to time assign to any other Bishop of this Church having jurisdiction in the United States, the exercise of any Episcopal power or functions, in relation to such Church or Congregation, for such period of time as he may deem expedient.

(vi) The Clergyman settled in such Church or Congregation shall, in all respects, be subject to the jurisdiction of the Presiding Bishop, while in charge of such Church or Congregation.

The necessity for this third section of the canon grew out of the fact of the establishment of a church and congregation of Americans in the city of Paris, France, who desired to place themselves under the direction of the General Convention.

CONVENTION OF 1871

This Convention made very material amendments to Section 3, Title III, Canon 5, as follows:

Sec. 3. (i) It shall be lawful, under the conditions hereinafter stated, to organize a Church or Congregation in any foreign country (other than Great Britain and Ireland, and the colonies and dependencies thereof), and not within the limits of any foreign Missionary Bishop of this Church.

(ii) The Bishop in charge of such Congregations, and the Standing Committee hereinafter provided for, may authorize any Presbyterian of this Church to officiate temporarily at any place to be named by them, within any such foreign country, upon being satisfactorily assured that it is expedient to establish at such place a Congregation of this Church. Such Presbyterian, having publicly officiated at such place not less than four Sundays consecutively, may give notice, in the time of Divine Service, that a meeting of the members of this Church attending such services will be held, at a time and place to be named by him, to organize a Church or Congregation. All male persons of full age belonging to this Church may take part in said meeting. And the said meeting may proceed to effect an organization, subject to the approval of the said Bishop and Standing Committee, and in conformity to such regulations as the said Standing Committee may prescribe.

(iii) Such Church or Congregation shall be required, in its Constitution, or Plan, or Articles of Organization, to recognize and accede to the Constitution, Canons, Doctrine, Discipline, and Worship of the Protestant Episcopal Church in the United States of America and particularly to submit to and abide by such directions as may be, from time to time, received from the Bishop in charge, and the Standing Committee hereinafter provided for, in order to its being received under the direction of the General Convention of this Church.

(iv) In order to such reception, it shall be required to declare its desire therefor, duly certified by the Minister, one Churchwarden, and two Vestrymen or Trustees of said Church or Congregation.

(v) Such certificate, and the Constitution, Plan, or Articles of Organization, shall be submitted to the General Convention during its session, or to the Presiding Bishop of the House of Bishops at any other time; and in case the same are found satisfactory, a certificate thereof shall be forwarded to the Secretary of the House of Clerical and Lay Deputies of the General Convention, who shall thereupon place its name on the list of foreign Churches under the direction of the General Convention; and also a copy of the same shall be forwarded to and filed by the Registrar of the Church, and such Church or Congregation shall thereupon become subject to and placed under the Episcopal government and jurisdiction of such Presiding Bishop for the time being.

(vi) Such Presiding Bishop may, from time to time, by written commission under his own signature and seal, assign to any other Bishop of this Church, having jurisdiction in the United States, the full Episcopal charge of such Churches or Congregations, and the Clergymen officiating therein, for such period of time as he may deem expedient: *Provided*, such commissions shall not extend to a period longer than three years, and shall then cease and determine, unless renewed by the Presiding Bishop.

(vii) To aid the Presiding Bishop, or the Bishop in charge of these foreign

Churches, in administering the affairs of the same, and in settling such questions as may, by means of their peculiar situation, arise, there shall be a Standing Committee, to consist of communicants of this Church, who shall be chosen and elected as follows: Each Church or Congregation thus in union with the General Convention, shall have the right to nominate to the Bishop in charge, one person, who shall be a communicant, and the General Convention shall nominate four persons, of whom two at least shall be Clergymen, who shall hold office until the General Convention next ensuing, and until their successors are elected, and together they shall constitute the said Standing Committee, of which the Bishop in charge of said foreign Churches shall be the chairman. Said Committee shall have power to fill all vacancies in the same. A majority of all the members resident in the United States shall be a quorum. This Standing Committee shall be a Council of Advice to the Bishop. They shall be summoned on the requisition of the Bishop, whenever he shall desire their advice. And they may meet of their own accord, and agreeably to their own rules, when they may be disposed to advise the Bishop.

(viii) In case a Clergyman in charge of either of these Congregations in foreign lands shall be charged with either of the punishable offences, as specified in Section 1 of Canon 2 of Title II of the Digest, it shall be the duty of the Bishop in charge of such Churches to summon the Standing Committee above provided for, and to see that an inquiry be instituted as to the truth of such public charges; and should there be reasonable grounds for believing them to be true, the Bishop in charge and the Standing Committee shall appoint a Commission, consisting of three Clergymen and two Laymen, whose duty it shall be to obtain all the evidence in the case from the parties interested, and who shall, if possible, hold their meeting in the place where the accused resides, giving to the accused all rights under the Canons of the Protestant Episcopal Church which can be exercised in a foreign land. The judgment of said Commission, solemnly made and subscribed to, shall then be sent to the Bishop in charge, and to the Presiding Bishop, and, if approved by them, shall be carried into effect: *Provided*, that no such Commission shall recommend any other discipline than admonition or removal from his charge as Minister of said Congregation. Should the result of the inquiry of the aforementioned Commission reveal evidence tending to show that said Clergyman deserves a severer discipline, then all the documents in the case shall be placed in the hands of the Presiding Bishop, who shall then proceed against said Clergyman (as far as possible) according to the Canon of Discipline, under Title II of the Digest, and the Diocesan Canons of the Diocese of the said Presiding Bishop.

(ix) If there be but one such Church or Congregation within the limits of any city, said city shall be deemed the parochial cure of the Minister having charge of the same, and no new Church or Congregation shall be established therein, unless with the consent of the Bishop in charge, and of the Standing Committee herein appointed. Nor shall any Church or Congregation be organized in any foreign city, under the provisions of this Canon, unless with the approval of the Bishop in charge, and the Standing Committee herein provided for.

(x) In cases of difference between the Minister and his Congregation, the Bishop in charge shall, with the Standing Committee, duly examine the same, and said Bishop and Standing Committee shall have full power to settle, and, if possible, adjust such differences upon the recognized principles of Ecclesiastical law, as laid down in the Canon law of the Protestant Episcopal Church.

(xi) No Clergyman shall hereafter be allowed to take charge of any such Church or Congregation in foreign lands, unless and until he shall be approved of, and be licensed by the Bishop in charge of such Churches, and shall have been duly transferred to his jurisdiction by the Letter Dimissory provided for in Canon 12, Sec. 7, Title I of the Digest.

CONVENTION OF 1874

The Convention of 1874 amended Title III, Canon 5, Section 3, by substituting clauses (xi) and (xii) for clause (xi), as follows:

(xi) No Clergyman shall be allowed to take charge of any such Congregation until he shall have been nominated by the Bishop in charge, and been approved by the Standing Committee, provided for by this Canon; and when such appointment shall have been accepted by the Clergyman so appointed, he shall be transferred to the jurisdiction of the Bishop in charge.

(xii) The Bishop in charge may, at any time, with consent of a majority of the Standing Committee, dissolve the connection between the rector and any such Congregation. *Provided*, that three months' notice of such dissolution shall be given to the Clergyman and Congregation.

The change made in clause (xi) was to provide that the rector of such congregation was to be nominated by the bishop in charge, and approved by the standing committee, instead of being approved and licensed by the bishop in charge.

Clause (xii) was added to provide for a dissolution of the connection between a clergyman and his congregation.

CONVENTION OF 1877

This Convention repealed clause (xii) of Section 3, enacted by the Convention of 1874, as it was deemed best to place the parishes in foreign lands more nearly on a footing with parishes at home.

For the same reason, clause (xi) was amended to read as follows:

(xi) No Clergyman shall be allowed to take charge of such Congregation until he shall have been nominated by the Vestry thereof (or, if there be no such Vestry, by the Standing Committee, provided for by this Canon), and approved by the Bishop in charge; and when such appointment shall have been accepted by the Clergyman so appointed, he shall be transferred to the jurisdiction of the Bishop in charge.

CONVENTION OF 1886

This Convention amended clause (vi) of Section 3, Canon 5, now made Canon 4, by the insertion of the words "one or more of" after the word "of" in the fifth line of said clause.

CONVENTION OF 1889

The American churches in Europe presented a memorial to this Convention praying for such legislation as would secure the better organization and more effective government of congregations in foreign lands. To accomplish this desired purpose, the Convention amended clause (vii), Section 3, of Canon 4, now made Canon 3, to read as follows:

(vii) To aid the Presiding Bishop, or the Bishop in charge of these foreign Churches, in administering the affairs of the same, and in settling such questions as may, by means of their peculiar situation, arise, there shall be a Standing Committee, to consist of communicants of this Church, who shall be chosen and elected as follows: Each Church or Congregation, thus in union with the General Convention, shall have the right to nominate, to the Bishop in charge, one person, who shall be a communicant, and the General Convention shall nominate four persons, of whom two at least shall be Clergymen, who shall hold office until the next General Convention ensuing, and until their successors are elected, and together they shall constitute the said Standing Committee, of which the Bishop in charge of said foreign Churches shall be the chairman. A majority of all the members shall be a quorum. This Standing Committee shall be a Council of Advice to the Bishop. They shall be summoned on the requisition of the Bishop, whenever he shall desire their advice. And they may meet of their own accord and agreeably to their own rules, when they may be disposed to advise the Bishop.

CONVENTION OF 1898

This Convention also amended clause (vii) of Section 3, Title III, Canon 3, as follows:

(vii) To aid the Presiding Bishop, or the Bishop in charge of these foreign Churches, in administering the affairs of the same, and in settling such questions as may, by means of their peculiar situation, arise, a Standing Committee, consisting of four clergymen and four laymen, shall be constituted as follows and shall act as a Council of Advice to the Bishop in charge of the foreign Churches. They shall be chosen annually, to serve until their successors are chosen, by a Convocation, duly convened, of all the Clergy of the foreign Churches or Chapels, and of one lay representative of each Church or Chapel, chosen by its Vestry or Committee. The Standing Committee shall be convened on the requisition of the Bishop whenever he may desire their advice, and they may meet of their own accord when they may wish to advise the Bishop. When a meeting is not practicable, the Bishop may ascertain their mind by letter.

This amendment was made in response to a memorial from the convocation of the American Churches in Europe, praying for better provision for episcopal oversight of the American Churches in foreign countries. The principal change made by this amendment was the giving to the convocation of the American Churches in Europe the

right to elect the standing committee, instead of a part of its members being elected by the several churches in Europe and a part by the General Convention. Owing to the difficulty of securing a meeting of the members of this standing committee, the right was given to the bishop to ascertain the mind of the members of the standing committee by letter.

CONVENTION OF 1904

In the revision of the canons by the Convention of this year, Title III, Canon 3, was made Canon 50, and amended as follows:

Section 1 was amended to read as it is at present.

Section 2 was amended to read as it is at present.

Section 3 was divided into two sections, and Section 3 was constituted as it is at present, except for a slight amendment to be noted later.

Section 4 was constituted as it is at present, except for a slight amendment made by the Convention of 1922.

CONVENTION OF 1907

This Convention amended Section 3 (i), to which amendment reference was above made, by inserting the words "which may be" for the words "which may have been" before the words "recognized by the Bishop," in the fourth line of the second sentence.

CONVENTION OF 1922

This Convention amended Section 4 (vii), by striking out the proviso, and inserting after the word "expedient" the following words:

not exceeding three years; *Provided*, that should such term expire in a year during which a General Convention is to be held, prior to said Convention, the commission may be extended until the adjournment of the Convention.

The Convention also inserted a new clause in this section, numbered (viii), and to read as follows:

(viii) Nothing in this Canon is to be construed as preventing the election of a Bishop to have charge of such Congregations under the provisions of Canon 13.

This section amended relates to the assignment by the Presiding Bishop to a bishop whom he may designate, the jurisdiction of congregations in foreign lands. The amendment to clause (vii) simply

provides that should the commission of the Presiding Bishop to such bishop expire in the year in which the General Convention meets, the commission may be extended until the adjournment of said Convention.

The new clause (viii) was enacted to remove any question as to the right of the Convention to elect a bishop to have charge of the congregations in foreign lands.

The present canon consisting of three sections is the same as Sections 1, 2, and 3 of Canon 57 in 1925. The canon was renumbered Canon 55 in 1931, Canon 57 in 1940, and in the rearrangement of 1943 became Canon 11. In the rearrangement made in that year, Section 4 was stricken out and a new Canon 13, now Canon 14, Of Congregations in Foreign Lands, enacted embodying the provisions of Canon 57, Section 4. At the Convention of 1946, the canon was renumbered Canon 12.

EXPOSITION OF CANON 12

This canon relates to parishes and congregations in the United States.

The first section prescribes that every congregation of this Church must belong to the diocese or missionary district in which its place of worship is located. As before stated, this provision was first enacted because of necessity. The wisdom of this provision is self-evident. It is also provided that a minister cannot have a seat in more than one convention. If he has charge of two or more congregations which are situated in different dioceses, he has a seat only in that diocese in which he is canonically resident.

In the absence of any diocesan regulation, the establishment of new parishes or congregations within the limits of an existing parish is vested in the bishop of the diocese, acting with the advice and consent of the standing committee. If the diocese be vacant, this power is vested in the ecclesiastical authority.

Few dioceses have provided for parish boundaries, and in the absence of any diocesan regulations on the subject, the canon defines such boundaries. If there be but one church or congregation within the limits of a village, town, city or other civil division, and recognized by the bishop with the advice and consent of the standing committee, such civil division shall constitute the boundaries of such parish or congregation, and be deemed the parochial cure of the minister having charge thereof. If there be two or more churches or

congregations therein, then it shall be deemed as the cure of such ministers.

In the celebrated Tyng case, discussed under Canon 45, *infra*, it was contended that the parochial cure of a minister extended only to the people belonging to his congregation, and did not mean the territory of the civil division in which his parish or congregation was located, and therefore, the canon forbidding a clergyman to intrude into the cure of another clergyman without his permission, did not debar a clergyman of this Church from officiating in a congregation of another religious body within the territorial limits of such church or congregation. The ecclesiastical court in that case unanimously negatived such a construction of the canon, and held that the cure of a clergyman was not the people belonging to his congregation in such civil division, but the territory included therein. This decision of the court correctly construed the canon, and is today universally acknowledged as being the true meaning of the canon.

CANON 13

Of Parish Vestries

SECTION 1. In every Parish of this Church the number, mode of election, and term of office of Wardens and Vestrymen, with the qualifications of voters, shall be such as the State or Diocesan law may permit or require, and the Wardens and Vestrymen elected under such law shall hold office until their successors are elected and have qualified.

Regulations
left to State
or Diocesan
law

SEC. 2. Except as provided by the law of the State or of the Diocese, the Vestry shall be agents and legal representatives of the Parish in all matters concerning its corporate property and the relations of the Parish to its Clergy.

The agents
and legal
representa-
tives of the
Parish

SEC. 3. Unless it conflict with the law as aforesaid, the Rector, when present, shall preside in all the meetings of the Vestry.

The Rector
to preside

CONVENTION OF 1904

This canon was enacted by the Convention of 1904 and has not since been amended. It was renumbered Canon 56 in 1931, Canon 57 in 1934, Canon 59 in 1940, Canon 12 in 1943, and Canon 13 in 1946.

EXPOSITION OF CANON 13

The canon is simply a restatement of what had been before recognized as the law. The regulations relating to wardens and vestrymen had always been those provided by the law of the state of the diocese, and except in such states as the law thereof provides otherwise, the vestry are the agents and the legal representatives of the parish.

The powers and duties of the rector will be discussed under Canon 45 (*infra*).

In *Rector v. Melish*, *infra*, the defendant asserted a power in the congregation to prevent the vestry from instituting proceedings for dissolution of the pastoral relation and based his contention in part upon the provisions of Section 2 of this canon, which he contended make it obligatory upon a vestry, as agents and representatives of the parish, in all matters concerning the relations of the parish to its clergy, to follow directions contained in resolutions adopted at a meeting of the qualified electors of the parish. This argument was rejected first by the standing committee in its report, then by the bishop, and finally by the courts.

At the Convention of 1949, a resolution was presented in the House of Bishops adopting the construction of Canons 13 and 46 for which Dr. Melish had contended.

The Committee on Canons, to which the resolution was referred, reported as follows:

The Committee is of the opinion that it is not a proper function of General Convention to attempt to interpret Canons; and it is of the further opinion that neither Canon 13 nor Canon 46 is ambiguous. Any member of the Convention who holds that the said Canons are ambiguous should propose such amendments as in his judgment would remove the ambiguity.

The Bishop of Massachusetts offered the following substitute:

Whereas, There is dispute as to the rights of the Vestry and the Parish under Canon 46, and

Whereas, Canon 13 provided that the Vestry shall be the agents and representatives of the Parish in all matters concerning the relations of the Parish to its Clergy, be it

Resolved, The House of Deputies concurring, that in giving notice of a desire for the dissolution of the pastoral relation, the Vestry are acting as the agents and legal representatives of the Parish, and therefore such notice is subject to the desire of the Parish when expressed by the vote of a duly called special meeting of the Parish.

On motion of the Bishop of Chicago the original motion and substitute were laid on the table.

A similar resolution, having been offered in the House of Deputies, its Committee on Canons reported as follows:

The Committee on Canons, to which was referred the resolution concerning Canon 46 offered by Dean Day, of Kansas, begs leave to report that, in the opinion of this Committee, it is not a proper function of the General Convention to give an interpretation of the Canons, especially upon a hypothetical state of facts. If either Canon 13 or Canon 46 is deemed to be ambiguous any member of the Convention is at liberty to propose an amendment to those Canons in accordance with Canon 60.

The Committee recommends that the resolution be not adopted and asks that it be discharged from further consideration thereof.

The report was adopted without debate.

We have here an agreement on the part of the Committees on Canons of both houses, that it is not the function of the Convention to interpret canons. There is another reason. If any ambiguity exists it should be clarified by amendment of the canon and not by resolution, since such a resolution, buried in the Journal, will soon be lost.

In New York the rector, church wardens, and vestrymen constitute the corporation under Section 41 of the Religious Corporations Law; and it was held in *Fiske v. Beatty* (206 App Div 349; 238 N. Y. 598) that there are two bodies in the Church, one the corporate body of qualified voters, which functions once a year at a parish election, and the other the spiritual body of worshippers. It is clearly this body over which the rector exercises control and spiritual jurisdiction according to the doctrine and discipline of the Church. In corporate matters he functions as a member and presiding officer of the corporation. As for the vestry, it is the corporation between annual elections; and its members are the agents and representatives of the parish as a corporate body and not of the individuals making up the congregation.

This construction of the meaning of the words "agents and legal representatives" is confirmed by the opinion of Mr. Justice Story, in *Mason v. Muncaster*, 9 Wheaton 445.

This case grew out of the sale of the glebe lands of Christ Church, Alexandria, which was then a part of the District of Columbia but formerly a part of the parish of Fairfax, Virginia. The case came before the Supreme Court on appeal from the Circuit Court of the District of Columbia. The lands had been conveyed in 1770 to certain named persons "and the church wardens of said Parish and Church

for the time being, and their successors in office, for the use and benefit of the said Church in the said parish."

In *Terrett v. Taylor*, 9 Cranch 43, the vestry of Christ Church, Alexandria, had been authorized by the Circuit Court of the District of Columbia to sell the lands and apply the proceeds for the use of the church. This decree had been confirmed by the Supreme Court in an opinion of Mr. Justice Story.

After the sale the purchaser sought to rescind and enjoin the enforcement of a judgment against him upon his purchase money promissory note, claiming that the vestry did not have title to the land or authority to convey. A decree was entered dismissing the plaintiff's bill and on appeal affirmed by the Supreme Court.

On appeal it was claimed that the parishioners had an interest in the property and a right to be heard on any question of its disposition. In overruling these contentions Mr. Justice Story said:

It has been said, that the parishioners of the whole parish are the *cestuis que trust* of the glebe and other parochial property, and ought to be parties to any bill to dispose of it. But in an accurate and legal sense, the parishioners are not the *cestuis que trust*, for they have, individually, no right or title to the property. It is the property of the parish, in its corporate or aggregate capacity, to be applied and disposed of for parochial purposes, under the authority of the Vestry, who are its legal agents and representatives. Upon the sale of the glebe, the proceeds become parochial property, and must be applied for the common benefit, the maintenance of the Minister, the repairs of the churches, and other parochial expenses, by the Vestry, in good faith. But the mode, and extent, and circumstances, under which the fund is to be applied, are necessarily left to the discretion of the Vestries, from time to time chosen. (p. 468.)

CANON 14

Of Congregations in Foreign Lands

Congregations
in foreign
lands

SECTION 1. It shall be lawful, under the conditions hereinafter stated, to organize a Congregation in any foreign land, other than Great Britain and Ireland, and the colonies and dependencies thereof, and not within the jurisdiction of any Missionary Bishop of this Church.

Who may
officiate
temporarily

SEC. 2. The Bishop in charge of such Congregations, and the Council of Advice hereinafter provided for, may authorize any Presbyter of this Church to officiate tem-

porarily at any place to be named by them within any such foreign land, upon being satisfied that it is expedient to establish at such place a Congregation of this Church.

SEC. 3. Such Presbyterian, after having publicly officiated at such place on four consecutive Sundays, may give notice, in the time of Divine Service, that a meeting of the male persons of full age and attending the services, will be held, at a time and place to be named by the Presbyterian in charge, to organize the Congregation. The said meeting may proceed to effect an organization subject to the approval of the said Bishop and Council of Advice and in conformity to such regulations as the said Council of Advice may provide.

Organization
of a
Congregation

SEC. 4. Before being taken under the direction of the General Convention of this Church, such Congregation shall be required, in its Constitution, or Plan, or Articles of Organization, to recognize and accede to the Constitution, Canons, Doctrine, Discipline, and Worship of this Church, and to agree to submit to and obey such directions as may be, from time to time, received from the Bishop in charge and Council of Advice.

Congregation
to recognize
Constitution
and Canons

SEC. 5. The desire of such Congregation to be taken under the direction of the General Convention shall be duly certified by the Minister, one Warden, and two Vestrymen or Trustees of said Congregation, duly elected.

Desire to be
received by
General
Convention
to be
certified

SEC. 6. Such certificate, and the Constitution, Plan, or Articles of Organization, shall be submitted to the General Convention, if it be in session, or to the Presiding Bishop at any other time; and in case the same are found satisfactory, the Secretary of the House of Deputies of the General Convention, under written instruction from the Presiding Bishop, shall thereupon place the name of the Congregation on the list of Congregations in foreign lands under the direction of the General Convention; and a certificate of the said official action shall be forwarded to and filed by the Registrar of this Church. Such Congregations are placed under the government and jurisdiction of the Presiding Bishop.

How
accepted

Presiding
Bishop may
assign
jurisdiction

SEC. 7. The Presiding Bishop may, from time to time, by written commission under his own signature and seal, assign to any other Bishop of this Church, having a seat and vote in the House of Bishops, the full charge of one or more of such Congregations, and the Ministers officiating therein, for such period of time as he may deem expedient, not exceeding three years; *Provided*, that should such term expire in a year during which a General Convention is to be held, prior to said Convention, the commission may be extended until the adjournment of the Convention.

SEC. 8. Nothing in this Canon is to be construed as preventing the election of a Bishop to have charge of such Congregations under the provision of Canon 40.

Council of
Advice and
its functions

SEC. 9. To aid the Presiding Bishop or the Bishop in charge of these foreign Churches in administering the affairs of the same, and in settling such questions as may, by means of their peculiar situation, arise, a Council of Advice, consisting of four Clergymen and four Laymen, shall be constituted as follows, and shall act as a Council of Advice to the Bishop in charge of the foreign Churches. They shall be chosen annually, to serve until their successors are chosen, by a Convocation duly convened, of all the Clergy of the foreign Churches or Chapels, and of one Lay representative of each Church or Chapel, chosen by its Vestry or Committee. The Council of Advice shall be convened on the requisition of the Bishop whenever he may desire their advice, and they may meet of their own accord and agreeably to their own rules when they may wish to advise the Bishop. When a meeting is not practicable, the Bishop may ascertain their mind by letter.

It shall be lawful for the Presiding Bishop at any time to authorize by writing under his hand and seal the Council of Advice to act as the Ecclesiastical Authority.

Ministers
charged with
canonical
offense

SEC. 10. In case a Minister in charge of a Congregation in a foreign land shall be accused of any offense under the Canons of this Church, it shall be the duty of the Bishop in charge of such Congregation to summon the

Council of Advice, and cause an inquiry to be instituted as to the truth of such accusation; and should there be reasonable grounds for believing the same to be true, the said Bishop and the Council of Advice shall appoint a Commission, consisting of three Ministers and two Laymen, whose duty it shall be to meet in the place where the accused resides, and to obtain all the evidence in the case from the parties interested; they shall give to the accused all rights under the Canons of this Church which can be exercised in a foreign land. The judgment of the said Commission, solemnly made, shall then be sent to the Bishop in charge, and to the Presiding Bishop, and, if approved by them, shall be carried into effect; *Provided*, that no such Commission shall recommend any other discipline than admonition or removal from his charge of Minister of said Congregation. Should the result of the inquiry of the aforesaid Commission reveal evidence tending, in their judgment, to show that said Minister deserves a severer discipline, all the documents in the case shall be placed in the hands of the Presiding Bishop, who may proceed against the said Minister, as far as possible, according to the Canons of the General Convention.

SEC. 11. If there be a Congregation within the limits of any city in a foreign land, no new Congregation shall be established in that city, except with the consent of the Bishop in charge and the Council of Advice.

Formation
of new
Congre-
gations

SEC. 12. In cases of a difference between the Minister and a Congregation in a foreign land, the Bishop in charge shall duly examine the same, and the said Bishop shall, with the Council of Advice, have full power to settle and adjust such difference upon principles recognized in the Canons of the General Convention.

Differences
between
Minister and
Congregation

SEC. 13. No Minister shall be allowed to take charge of a Congregation in a foreign land, organized under this Canon, until he shall have been nominated by the Vestry thereof, or, if there be no Vestry, by the Council of Advice, and approved by the Bishop in charge, and when such appointment shall have been accepted by the Minister so

Ministers,
how
appointed

appointed, he shall be transferred to the jurisdiction of the Presiding Bishop.

As stated in the history of Canon 12, this canon was originally part of that canon and became a new Canon 13 in the rearrangement of 1943. Prior thereto it formed Section 4 of the earlier canon. This canon was renumbered Canon 14 in 1946.

CONVENTION OF 1952

At this Convention the words "and the Canons of the Diocese of the Presiding Bishop" were deleted as being obsolete. Possibly abortive would have been a more accurate description.

EXPOSITION OF CANON 14

This canon was enacted to provide for an American Church in Paris. Its provisions now extend to congregations of this Church in any foreign country, except Great Britain and the British Commonwealth, which are not within the jurisdiction of a foreign missionary bishop.

These foreign congregations are placed by the canon under the government and charge of the Presiding Bishop, who is authorized to assign to any other bishop having a seat and vote in the House of Bishops, the charge of one or more of such congregations for a period not longer than three years.

Before such a congregation can be taken under the charge of the Presiding Bishop, it must submit to the General Convention its Constitution, Plan, or Articles of Organization, in which there must be a recognition and accession to the Constitution, Canons, Doctrine, Discipline, and Worship of this Church, and an agreement to submit to and obey such directions as may at any time be received from the bishop in charge, and the Council of Advice. The desire of the congregation to be taken under the direction of this Church must be duly certified by the minister, one warden, and the vestrymen or trustees of said congregation.

The canon also provides for a Council of Advice, consisting of four clergymen and four laymen, to aid the bishop in administering the affairs of the several congregations under his charge. The members of this council are to be chosen by a convocation composed of all the clergy of the foreign churches or chapels, and one lay representative of each of such churches or chapels, chosen by its vestry or com-

mittee, as the case may be. The duties of the said council are very similar to those of a standing committee. While no provision is made in the canon for a presiding officer of such council, one is evidently presumed, as the council is authorized to meet of its own accord, which necessarily implies there must be a proper officer to summon such meeting and to preside therein. This council differs from the Council of Advice of a missionary district in that, under the authorization of the Presiding Bishop, it may act as the ecclesiastical authority.

The bishop in charge is given power to settle and adjust all differences between ministers and their congregations.

A minister of a congregation in a foreign land must be nominated by the vestry thereof, or if there be no vestry, then by the Council of Advice, and his nomination approved by the bishop in charge. If such minister accepts such appointment, he is then transferred to the jurisdiction of the Presiding Bishop.

CANON 15

Of Clergy and Congregations Seeking Affiliation with this Church

SECTION 1. Whenever a congregation of Christian people, holding the Christian faith as set forth in the Catholic creeds and recognizing the Scriptures as containing all things necessary to salvation, but using a rite other than that set forth by this Church shall desire affiliation with this Church, while retaining the use of its own rite, such congregation shall with the consent of the Bishop in whose Diocese it is situate make application through the Bishop to the Presiding Bishop for status.

Congregation
seeking
affiliation
with this
Church

SEC. 2. Any minister who has not received episcopal ordination and desires to serve such a congregation shall conform to the provisions of Canon 36, Section 6.

Non-
episcopally
ordained
Ministers

SEC. 3. In case the minister of such congregation shall have been ordained by a Bishop not in Communion with this Church, but the regularity of whose ordination is approved by the Presiding Bishop, he shall be admitted in his Orders under the provision of Canon 38.

Ministers
regularly
ordained

Shall have
seats but
no vote

SEC. 4. Ministers and delegates of such congregations may have seats but no vote in the Diocesan Convention unless by formal action of such Convention they are so admitted.

Oversight
with Bishop
of Diocese

SEC. 5. The oversight of congregations so admitted shall rest with the Bishop of the Diocese unless he shall delegate this authority to a Bishop who may be commissioned by the Presiding Bishop to have oversight of such congregations.

This canon was adopted by the Convention of 1934.

At the special meeting of the House of Bishops held in that year the secretary announced receipt of a petition for the amendment of the canons so as to secure closer contacts or actual affiliations with other Christian congregations, which was referred to the Advisory Commission on Ecclesiastical Relations. (*Jour. Con. 1934, p. 64.*)

The Bishop of Indianapolis presented a memorial from the Province of the Midwest recommending a new canon on affiliation, which was referred to the Bishop of Eau Claire as a special committee. (*Jour. Con. 1934, p. 68*)

Later, the Bishop of Eau Claire spoke upon the subject and announced that two canons would be prepared and presented at the next General Convention. Meanwhile, he offered the following resolution, which was unanimously adopted:

Resolved, That following the precedents established in the case of Bishop Ferrando and of the Hungarian Concordat as reported in the Journal of the General Convention of 1922, this House approves putting into temporary effect the principles contained in proposed Canons on Supplemental Ordination and on Alien Rites, and that the Canons be referred to the Committee on Canons to report to this House at the next General Convention for definite action.

With deference it may be said this action was completely unconstitutional, since the House of Bishops has no power to put into temporary effect principles for the effectuation of which the enactment of canons is required.

CONVENTION OF 1934

A new Canon 56, Of Clergy and Congregations Seeking Affiliation with this Church, was adopted in the words of the present canon.

It has since been renumbered Canon 58 in 1940, Canon 14 in 1943, and Canon 15 in 1946.

EXPOSITION OF CANON 15

The principles embodied in this canon are known as "Alien Rites and Provisional or Supplemental Ordination."

It recognized the propriety of affiliation with a small group of Christians holding the faith as set forth in the Catholic creeds and recognizing the Scriptures as containing all things necessary to salvation, which congregation will thereafter retain its own alien rites.

The process is application to the bishop of the diocese in which the congregation is situated and, upon his consent, approval by the Presiding Bishop. It is to be observed that no provision is made for such action in a missionary district.

The application is for "status" which in law means a relationship upon which secondary rights and duties are founded.

Under Section 4, which is ambiguous in the use of the word "may," which probably means "shall," the affiliated congregation has a vote in diocesan convention if "admitted." This, it would seem, means admitted into union with the diocese in which event the congregation becomes possessed of all the rights and subject to all the duties of an ordinary parish.

The provision in Section 5, giving the bishop of the diocese "oversight of congregations *so admitted*," if strictly construed would apply only to congregations which had not only become affiliated with this Church, but had also been admitted into union with the diocese.

"Oversight" seems an unfortunate word and it would be well to give the bishop in express words the same jurisdiction over minister and congregation that he has over any parish.

Undoubtedly there will be instances in which the relations contemplated by this canon will be helpful and productive of good, but great difficulty can arise from hasty action under it.

Care will undoubtedly be taken concerning possible property rights of other centralized churches and it will be carefully determined whether such affiliation is tantamount to attempted diversion of property from the use to which it has been originally dedicated.

Financial support is a matter for the local authorities, and an amendment of the canon to require the consent of the diocesan convention as well as the bishop would seem wise.

Recently, several Mexican congregations in the Diocese of Dallas have become affiliated with this Church under the canon, and it seems

probable that the "own rite" of congregations seeking affiliation will always be in a true sense alien.

Festina lente should be the motto of a bishop tempted to consent.

CANON 16

Of Regulations Respecting the Laity

Removal of
com-
municant
or baptized
member

Certificate
to be given

Enroll-
ment of

Notice of
enrollment
to be sent
Rector

Communi-
cant of any
Church in
communion
with this
Church
to benefit

Duty of
Rector or
Minister

SECTION 1. (a) A communicant or baptized member in good standing, removing from one Parish or Congregation to another, shall be entitled to receive and shall procure from the Rector or Minister of the Parish or Congregation of his or her last enrollment or, if there be no Rector or Minister, from one of the Wardens, a certificate addressed to the Rector or Minister of the Parish or Congregation to which removal is desired, stating that he or she is duly registered or enrolled as a communicant or baptized member in the Parish or Congregation from which he or she desires to be transferred, and the Rector or Minister or Warden of the Parish or Congregation to which such communicant or baptized member may remove shall enroll him or her as a communicant or baptized member when such certificate is presented, or, on failure to produce such certificate through no fault of such communicant or baptized member upon other evidence of his or her being such a communicant or baptized member, sufficient in the judgment of said Rector or Minister. Notice of such enrollment in such Parish or Congregation to which such communicant or baptized member shall have removed shall be sent by the Rector or Minister thereof to the Rector of the Parish from which the communicant or baptized member is removed.

(b) Any communicant of any Church in communion with this Church shall be entitled to the benefit of this Section so far as the same can be made applicable.

(c) It shall be the duty of the Rector, or Minister of every Parish or Congregation, learning of the removal of any member of his Parish or Congregation to another Cure, without having secured a letter of transfer, as herein provided, to transmit to the Minister of such Cure a letter of advice informing him thereof.

SEC. 2. When a person to whom the Sacraments of the Church shall have been refused, or who has been repelled from the Holy Communion under the Rubrics, or who desires a judgment as to his status in the Church, shall lodge a complaint or application with the Bishop, or Ecclesiastical Authority, it shall be the duty of the Bishop, or Ecclesiastical Authority, unless he or it sees fit to require the person to be admitted or restored because of the insufficiency of the cause assigned by the Minister, to institute such an inquiry as may be directed by the Canons of the Diocese or Missionary District, and should no such Canon exist, the Bishop or Ecclesiastical Authority shall proceed according to such principles of law and equity as will insure an impartial decision; but no Minister of this Church shall be required to admit to the Sacraments a person so refused or repelled, without the written direction of the Bishop or Ecclesiastical Authority.

Repulsion
of com-
municants

SEC. 3. (a) If any Minister of this Church shall have cause to think that a person desirous of Holy Baptism, or of Confirmation, or of receiving the Holy Communion, has been married otherwise than as the word of God and discipline of this Church allow, such Minister, before receiving such person to these ordinances, shall refer the case to the Bishop for his godly judgment thereupon. The Bishop, after due inquiry into the circumstances, and taking into consideration the godly discipline both of justice and of mercy, shall give his judgment thereon in writing. *Provided, however*, that no Minister shall in any case refuse these ordinances to a penitent person in imminent danger of death.

Reference
of doubtful
cases to the
Bishop
before ad-
mission to
the
Sacraments

Proviso

(b) Any persons who have been married by civil authority, or otherwise than as this Church provides, may apply to the Bishop or to the Ecclesiastical Court of their domicile for the recognition of communicant status or for the right to apply for Holy Baptism or Confirmation. After due inquiry into all the facts relevant thereto, judgment shall be given in writing to the petitioners by the Bishop or by the Ecclesiastical Court acting through the Bishop.

Judgment
shall be
given in
writing

Parties to
confer with
Minister
if marital
unity
imperilled

(c) When marital unity is imperilled by dissension, it shall be the duty of either or both parties, before contemplating legal action, to lay the matter before a Minister of this Church; and it shall be the duty of such Minister to labor that the parties may be reconciled.

CONVENTION OF 1789

The first canonical enactment concerning the discipline of the laity was Canon 12 of 1789, in the following words:

If any persons within this Church offend their brethren by any wickedness of life, such persons shall be repelled from the Holy Communion, agreeably to the rubric, and may be further proceeded against, to the depriving them of all privileges of church membership, according to such rules or process as may be provided, either by the General Convention or by the Conventions in the different States.

This canon is based on the rubric of the Prayer Book repelling unworthy members from the Holy Communion, and the whole burden of its support is thrown upon the rubric.

Dr. Hawks (*Con. and Canons*, p. 359) criticizes this canon very severely, as being unnecessary, and impossible of execution. Neither the General Convention nor any diocesan convention had ever provided any "rules or process" for excommunication.

CONVENTION OF 1808

The Convention of 1808 amended this canon by adding the words "or dioceses," at the end thereof.

The purpose of this amendment would seem to have been to recognize that there might some day be more than one diocese in a state.

CONVENTION OF 1817

The Convention of 1817 amended the canon to read as follows:

There being the provision in the second rubric before the communion service, requiring that every minister repelling from the communion, shall give an account of the same to the Ordinary; it is hereby provided, that on the information to the effect stated being laid before the Ordinary, that is the bishop, it shall not be his duty to institute an inquiry unless there be complaint made to him in writing by the expelled party. But, on receiving complaint, it shall be the duty of the bishop to institute an inquiry, as may be directed by the canons of the diocese in which the event has taken place.

And the notice given as above by the minister, shall be sufficient presentation of the party expelled, for the purpose of trial.

It was evidently discovered that the Canon of 1808 was a dead letter and inoperative. The canon as amended by the Convention of 1817 cured the defect of the former canon, and enabled the discipline of the Church to take hold of the laity. If the person repelled from the Holy Communion made no complaint to the bishop, the act of repelling would be held to have been proper. If, however, he made complaint, then a trial of the case, as it were, was to take place, and the bishop was to decide whether the accused should be denied the privilege of communing or not.

CONVENTION OF 1832

In the revision of the canons by the Convention of 1832, this canon was amended by making the first four lines of the Canon of 1808, ending with the words, "agreeably to the rubrics," Section 1 of Canon 42. Canon 3 of 1817, was made Section 2 of the canon, but amended as follows: the word "expelled" was changed to read "repelled"; also, in the eleventh line, after the words, "it shall be the duty of the Bishop," were added the words,

unless he think fit to restore him from the insufficiency of the cause assigned by the minister.

The words "for the purpose of trial" at the end of the former canon were stricken out.

A new section was added, reading as follows:

Sec. 3. In the case of great heinousness of offence on the part of members of this Church, they may be proceeded against, to the depriving them of all privileges of Church membership, according to such rules or process as may be provided by the General Convention; and until such rules or process shall be provided, by such as may be provided by the different State Conventions.

The amendment made to the second section would seem to intimate that the laity were not lightly to be suspected, and that the clergy might sometimes unjustly repel a communicant from the Holy Communion. Dr. Hawks (*Con. and Canons*, pp. 363-369) makes this clause the subject of an extended examination. He says, in effect, that such a restoration by a bishop of a repelled communicant is a virtual trial and condemnation of the clergyman who repelled him. He holds that it will be a sad day for the Church when clergymen may be tried and condemned by the bishop alone, without the intervention of triers of their own order.

He also points out another defect in the canon, in that it prescribes

no time in which the clergyman shall report to the bishop his causes for repelling, or within which the repelled shall complain.

The third section of this canon, providing for the depriving of a person guilty of "great heinousness of offence" of all privileges of church membership, which means excommunication, was clearly inoperative, because neither the General Convention nor the several diocesan conventions had ever provided any "rule or process" on the subject.

This canon is in substance the same as Section 2 of the present Canon 16, Of Regulations Respecting the Laity.

CONVENTION OF 1853

The Convention of 1853 enacted a new canon, Canon 13, "Of Removal of Communicants from one Parish to another," reading as follows:

A Communicant removing from one Parish to another shall procure from the Rector, (if any), of the Parish of his last residence, or if there be no Rector, from one of the Wardens, a Certificate stating that he or she is a Communicant in good standing, and the Rector of the Parish or Congregation to which he or she removes shall not be required to receive him or her as a Communicant until such letter be produced.

This is the first legislation of the General Convention regarding the removal of communicants from one parish to another. It provided that before the rector of any parish should be required to receive a person removing into his jurisdiction as a communicant, he might demand a letter from the rector or warden, as the case might be, of the parish from which such person removed, stating that he or she was a communicant in good standing, but did not prevent such rector from receiving such person as a communicant if he wished.

While the canon provided that the communicant removing must procure a letter or certificate of good standing, it did not make it the duty of the rector or warden to give such certificate.

CONVENTION OF 1859

In the revision of the canons by the Convention of 1859, Canon 13 of 1853 was made Title II, Canon 12, Section 1, and Canon 42 of 1832 was made Section 2 of the same canon. No amendment was made to either canon.

CONVENTION OF 1865

Title II, Canon 12, Section 2, clause (ii) was amended by the Convention of 1865, by inserting after the word "party" in the eighth line thereof, the following words, "within three months from such repulsion"; also, after the word "place" in the thirteenth line of the same clause, the following words were inserted:

and, should no such Canon exist, the Bishop shall proceed according to such principles of law and equity as will insure an impartial decision.

These two amendments remedied very serious defects in the former canon. The repelled party must now make his complaint to the bishop within three months from the time of his repulsion from the Holy Communion if he desired to be restored thereto. Failure to make the complaint within the time required by the canon debarred him from obtaining a review of his case by the bishop and his repulsion from the Holy Communion became permanent.

The second amendment is even more important. The canon, before this amendment was made, provided that the bishop, on receiving a complaint from a repelled communicant, must institute an inquiry in the manner directed by the canons of the diocese, unless he should restore him without investigation. As most of the dioceses had not provided any canon, prescribing the mode by which the bishop was to proceed in the matter, the canon was practically inoperative. The amendment provided that where no such canon existed the Bishop should proceed according to such principles of law and equity as would insure an impartial decision.

CONVENTION OF 1904

In the revision of the canons by the Convention of 1904, the canon regarding Regulations Respecting the Laity was renumbered Canon 39, and materially amended to read as follows:

Sec. 1. A communicant in good standing removed from one Parish to another shall be entitled to and shall procure from the Rector or Minister of the Parish or Congregation of his or her last residence, or if there be no Rector or Minister, from one of the Wardens, a certificate stating that he or she is a communicant in good standing; and the Rector or Minister of the Parish or Congregation to which he or she removes shall record him or her as a communicant when such letter is presented, or on failure to produce such letter from no fault of the communicant, upon other evidence of his or her standing sufficient in the judgment of the said Rector or Minister. Notice of the above record shall be sent by said Rector or Minister to the Rector of the Parish from which the communicant has removed.

Sec. 2. When a person to whom the Sacraments of the Church have been refused, or who has been repelled from the Holy Communion under the Rubrics, shall lodge a complaint with the Bishop, it shall be the duty of the Bishop, unless he see fit to require the person to be admitted or restored because of the insufficiency of the cause assigned by the Minister, to institute such an inquiry as may be directed by the Canons of the Diocese or Missionary District, and should no such Canon exist, the Bishop shall proceed according to such principles of law and equity as will insure an impartial decision, but no Minister of this Church shall be required to admit to the Sacraments a person so refused or repelled, without the written direction of the Bishop.

The Sacraments shall not be refused in any case to a penitent person at the point to die.

The former canon made it the duty of a communicant, removing from one parish to another, to procure a certificate of transfer, but it did not make it the duty of the rector to give such certificate. The canon as amended made it the duty of the rector to give such certificate. The canon as amended also permitted a rector to record as a communicant one who did not produce the certificate of transfer, provided that it was no fault of such communicant, upon evidence satisfactory to him that such person was a communicant of the Church. The canon also provided that when a rector recorded the name of a communicant, he should send notice thereof to the rector of the parish from whence the recorded communicant came.

Section 2 contained the substance of former Section 2, except that the provision, that the repelled communicant must lodge his complaint with the bishop within three months, was omitted. A provision was also added that no minister should be required to admit to the sacraments a person repelled without the written direction of the Bishop. A further provision was also added that the sacraments should not be refused in any case to a penitent person at the point to die.

CONVENTION OF 1907

The House of Deputies, in the Convention of 1907, adopted an amendment to this canon providing that in any case arising under the canon, when there was any question in the matter, the rector, or warden, as the case might be, might refer the case to the bishop for final decision. The House of Bishops refused to concur therein, and voted to refer the matter to the special joint committee appointed to consider the whole matter of the registration of communicants. The House of Deputies concurred therein.

CONVENTION OF 1910

Canon 39, numbered as Canon 40, was amended by the Convention of 1910 as follows: The former Section 1 was made clause (i) of Section 1, and amended by the insertion of the words:

is duly registered or enrolled as a communicant in the Parish or congregation from which he or she desires to be transferred,

after the words "he or she" in the seventh line thereof. Also substituting the words "being such a communicant" for the word "standing" in the fourth from the last line thereof. Also, the last sentence of said first section was amended to read as follows:

Notice of such enrollment in such Parish or congregation to which such communicant shall have removed, shall be sent by the Rector or Minister thereof to the Rector of the Parish from which the communicant is removed.

A new clause, numbered (ii) was also added reading as follows:

(ii) Any communicant of any Church in communion with this Church, shall be entitled to the benefit of this Section so far as the same can be made applicable.

The changes made by this Convention were merely changes in phraseology, rather than changes in principle, except that clause (ii) provides that any communicant of a Church in communion with the Church is entitled to the benefits of the certificate of transfer.

CONVENTION OF 1919

The Convention of 1919 added a new clause, numbered (iii), to Section 1, reading as follows:

(iii) It shall be the duty of the Rector, or Minister of every Parish or Congregation, learning of the removal of any member of his Parish or Congregation to another Cure, without having secured a letter of transfer, as herein provided, to transmit to the Minister of such Cure a letter of advice informing thereof.

Communicants are continually moving to other parishes without taking a letter of transfer, often in ignorance of the provision for a letter of transfer. Where they neglect to make themselves known to the rector of the parish into which they remove, too often they become lost to the Church. To correct this the amendment of 1919 was made, providing that the rector of a parish, learning of the removal of a parishioner to another cure without procuring a letter of transfer, shall notify the rector of the parish to which said parishioner is removing of such removal.

CONVENTION OF 1925

Section 3 (a) of the present canon was at this time Section 4 of Canon 43, now Canon 16 in these words:

Sec. 4. If any Minister of this Church shall have reasonable cause to doubt whether a person desirous of being admitted to Holy Baptism, or to Confirmation, or to the Holy Communion, has been married otherwise than as the word of God and the discipline of this Church allow, such Minister, before receiving such person to these ordinances, shall refer the case to the Bishop for his godly judgment thereupon; *Provided, however*, that no Minister shall in any case refuse these ordinances to a penitent person in imminent danger of death.

At this Convention an amendment was adopted in the House of Bishops and failed in the House of Deputies which would have changed the section to read:

Sec. 4. The admission to Baptism or to Confirmation or to the Holy Communion, of any persons who have entered into a marriage not in accordance with the laws of this Church, shall be referred by the Minister of the Congregation to the Bishop of the Diocese whose decision shall be final; *Provided, however*, that no Minister shall refuse these ordinances to a penitent person in imminent danger of death.

The section was amended by changing it to read:

Sec. 4. If any Minister of this Church shall have cause to think that, etc.

Section 3 of the canon at this time allowed the remarriage of the innocent party in a divorce for adultery with permission of the Bishop.

CONVENTION OF 1931

The canon was renumbered Canon 42 and Section 1 (i) was amended by concurrent resolution to insert the words "or baptized member" after the word "communicant" so as to regulate not only the removal of communicants from one parish to another but that of baptized members of the Church. (*Jour. Con. 1931, p. 360*) The committee to certify changes in the canons, however, omitted this change from its report with the result that the canon is printed in the Journal unamended.

CONVENTION OF 1934

This omission was corrected in the printing of the Journal of 1934 without any formal action.

Sec. 1 (i) was also amended by substituting the word "enrollment" for the word "residence" and by inserting after the word "certificate"

the words "addressed to the Rector or Minister of the Parish or Congregation to which removal is desired."

This was done to correct difficulties of interpretation as to the nature of the certificate.

There was also an effort at this Convention to define the word "communicant" in which the following resolution was adopted in the House of Bishops on report of the Committee on Memorials and Petitions:

Resolved, Your Committee is of opinion that the ruling of the General Convention of 1913 on this subject is still in effect and in their judgment no further definition is needed. We recommend that the House of Bishops instruct the Secretary of the House to have this ruling of 1913 reprinted, and copies be sent to all bishops and secretaries of each diocese and missionary district with the request that the same be made known to their next Diocesan Convention or Convocation.

The ruling of 1913 is not set forth in the Journal of that year.

CONVENTION OF 1940

The canon was renumbered Canon 43.

CONVENTION OF 1943

In the rearrangement of canons made at this Convention, Section 8 (i) and (ii) of Canon 42, Of the Solemnization of Holy Matrimony, were transferred to this canon, which was renumbered Canon 15.

CONVENTION OF 1946

At this Convention the canon was renumbered Canon 16 and amended by the addition of Section 3 (c) making it the duty of the parties to confer with a minister of this Church if marital unity is threatened by dissension before contemplating legal action.

CONVENTION OF 1952

At this Convention the House of Bishops adopted the following resolution:

Resolved, The House of Deputies concurring, that Canon 16 is hereby amended by inserting a new section to read as follows:

Sec. 1. (a) The members of the Church shall be all persons who have received the Sacrament of Holy Baptism in accordance with the Doctrine of the Church, which rite shall be performed by a Minister or by a Baptized person.

(b) A Communicant of the Church is a Baptized person who has been confirmed by a Bishop of the Church, or of any Church in communion with the Church, or, who having been confirmed in a Church having Apostolic Succession and who having renounced membership in such Church, has been received into this Church, or who has received Baptism and has been formally admitted to the Holy Communion as being ready and desirous to be confirmed.

(c) A Communicant in good standing is a person who has been confirmed (as explained in Section 1 (b) above) and who

1. Makes his or her Communion at least once a year;
2. Is a recorded contributor to the support of the Church with money or with personal service.

In the House of Deputies the Committee on Canons reported its belief that the following substitute was preferable:

Resolved, The House of Bishops concurring, that Canon 16 is hereby amended by inserting a new section to read as follows:

Sec. 1. (a) The members of this Church shall be all persons who have received the sacrament of Holy Baptism in accordance with the Doctrine of this Church.

(b) A Communicant of this Church is a Baptized person who has been confirmed by a Bishop of this Church, or of any Church in Communion with this Church, or, who having been confirmed in a Church having Apostolic Succession and who, having renounced membership in such Church has been received into this Church.

(c) A Communicant in good standing is a person who has been confirmed (as provided in Section 1 (b) above) and who

1. Makes his or her Communion at least once a year;
2. Supports the Church by regular participation in the public or private services of the Church, by hearing or reading the Word of God, by other acts of devotion, by works of charity and by gifts unless prevented in any of these by disability.

After several amendments a vote was taken on the original question, being the resolution of the House of Bishops, and the House did not concur.

Thus, another effort at definition failed.

At this Convention the question of marriages between members of this Church and members of the Roman Catholic Church was once more presented. (*Jour. Con. 1952, p. 164*)

A report of the bishops on the Joint Commission on Holy Matrimony was adopted in the House of Bishops as follows:

1. That the matter of marriage with Roman Catholics was, in their opinion, adequately covered by the Joint Resolution adopted by the General Convention in 1949;

2. That the proposed canonical legislation would only sharpen the problem of conscience involved in mixed marriage without a corresponding pastoral advantage;

3. That it would bind our Church and our people to the level of moral action as that now current in the Roman Catholic Church;

4. That therefore we recommend that the proposed amendments be not adopted, and further

5. That the attention of our people be called through appropriate means to the legislation already adopted by this Church.

In the House of Deputies the following resolution was laid on the table:

Resolved, The House of Bishops concurring, that a new section, to be numbered Section 4, be added to Canon 16, "Of Regulations Respecting the Laity," reading as follows:

Sec. 4. It shall be the duty of a member of this Church, intending to marry a member of another religious body, not affiliated with this Church, to refrain from entering into any pre-marital agreement, as a condition of such marriage, that the children of such intended marriage shall be brought up in the religious faith of any religious body other than this Church.

EXPOSITION OF CANON 16

This is the only canonical legislation containing regulations respecting the laity, except the matrimonial canons.

It was not until 1853 that the Church made provision for the transfer of persons from one parish or congregation to another, and it was confined to communicants until the amendment of 1931 extended it to baptized persons.

The meaning of the terms communicant or baptized person "in good standing" remains obscure.

The canon makes it the duty of the rector or minister to give, and the person removing to secure, a certificate, and of the rector or minister receiving it to enroll on presentation of the certificate. If, through no fault of the new arrival, he or she is unable to produce a certificate, the rector or minister acts on evidence sufficient in his judgment of communicant or baptized status. Notice of enrollment in the new parish or congregation is sent to the rector or minister of that from which the person has removed.

A communicant, as distinguished from a baptized person, of any church with which this Church is in communion is given the benefit of the canon.

There is probably no law on the Church's ecclesiastical statute book

whose provisions are so universally disregarded as this canon. In the vast majority of our parishes no attention whatever is paid to its provisions, which are mandatory, by the communicant removing, or by the rector of the parish from which the communicant removes, or by the rector of the parish to which the communicant removes, and the sad part of it all is, that thousands of communicants are lost to the Church each year because of the neglect to obey the simple and plain provisions of the canon. The fault is threefold, the communicant and the two rectors are all to blame. The rector of the parish too often neglects to inform the communicant of his or her duty to procure the certificate of transfer, and even when asked for it, too often advises the communicant not to take their letter from the "home Church," in the hope that he or she may return, and also, many times, because he desires to report as large a communicant list as possible. The communicant many times does not wish to have his or her name removed from the "home Church" for sentimental reasons. The result is, that the communicant removing, too often neglects to introduce himself or herself to the rector of the parish to which they have moved; and unless it be a small community, the rector is unaware of their presence in his parish. It was in order to correct this failure, that clause (c) was added to the first section of this canon by the Convention of 1919, providing that the rector of a parish, learning of the removal of a member of his parish to another cure, without having secured a letter of transfer, must send to the minister of that cure a letter of advice, informing him of the removal of such communicant into his cure. If rectors of parishes were more careful in carrying out the provisions of this canon, thousands of communicants would be saved to the Church.

While the first section of this canon provides for the retaining of communicants on the roll of the Church, the second section provides for the removal therefrom of communicants in certain cases. It is the only canon that touches the discipline of the laity, and is founded upon the rubric of the Prayer Book providing for the repulsion of unworthy persons from the Holy Communion.

This rubric is almost an exact copy of that in the English Office, which is part of the Statutes 2 and 5 Edw. VI, and 13th and 14th, Char. II. The 26th, 27th, and 109th, of the English Canons of 1603, provided that every minister repelling a communicant under the rubric should, upon complaint, or being required by the ordinary, signify the cause thereof unto him, and therein obey his order and direction;

and by the rubric the minister was directed to give the cause for such repulsion to the ordinary within fourteen days, who was then to proceed to punish according to the canon.

The understood construction of the rubric is that admonition must first be resorted to, and that the power of the minister is only suspensory. He must put the case before the ordinary within fourteen days. If the repelled communicant does not submit thereto, he is entitled to a restoration if the grounds are proven insufficient. The question has arisen whether a repulsion by a minister would be treated as sufficient to exclude the party from being admitted to the Communion by any other minister of the diocese. As the act of the minister repelling is suspensory only, especially if appealed from, and the rectorial jurisdiction being limited, there would not seem to be any legal ground for supposing that another clergyman would be bound thereby. If, however, the repulsion was confirmed by the bishop, it would be binding upon every clergyman in the diocese.

The appeal to the bishop, and his power to revise the action of the minister cannot admit of any question. He would possess that power by virtue of his inherent episcopal authority in matters of government, independent of any right to be inferred from the rubric or canon.

The authority of Hooker, Gibson, Stillingfleet, the Consecration Office, the abundant canons, and the decisions of the English courts, all recognize this.

The question has also arisen, whether the power of repulsion could be exercised by a minister in a case in which a slander was uttered against himself, assuming the congregation to be offended. Dr. Hawks (*Con. and Canons*, pp. 367-369) states a case of this kind occurring in New York in 1832. On the application of the repelled communicant to be restored, the bishop took the following grounds:

1. The Church, in her laws relative to repelling from the Communion, designs to guard against the endless mischiefs of allowing private quarrels or personal pique, to be a sufficient ground for the exercise of so solemn an act of discipline, as repelling from the Communion.

2. She especially does not design that her ministers shall wield at pleasure the spiritual powers committed to them, in cases of differences or disputes, in which *themselves or families are parties*.

3. The repelled must be "an *open* and *notorious* evil liver." It is not sufficient that the minister charges him, upon his own knowledge, as he says, with calumny of himself and family, and with not meeting the minister's just pecuniary demands upon him. *Common report and belief* must charge him with being a slanderer, a liar, and a dishonest man.

4. Whatever may have been his conduct toward the minister, and of which he complains, making it the basis of his charge, it must fairly appear that the congregation is thereby offended.

5. As all the grounds, on which the communicant had been repelled, were involved in matters concerning which a full ecclesiastical inquiry was pending or directed, at the very time the repulsion took place, it would be wrong to prejudice public opinion, and seemingly to prejudice the case, as against one interested, as a party, in the inquiry then pending.

The bishop, accordingly, restored the communicant. Judge Hoffman (*Law of the Church*, p. 454) in commenting on this decision of the bishop, says, "With the greatest deference for the experience and strong judgment of the Bishop, this opinion may be doubted. The rejection is warranted by the language of that clause of the rubric, 'doing wrong to a neighbor by word or deed.' There is no other redress open to an assailed and calumniated minister within the discipline of the Church; and if he may not repel, the shocking scene may be exhibited, of the reviler receiving the emblems from one he has slandered, and the reviled administering them, while the feelings of resentment and dislike are struggling for sway in his bosom."

Under the English law, the ordinary must proceed to inquire into every case reported to him by the minister. Under the section of the canon we are considering, this would not seem to be the law of the American Church. The bishop is only required to institute an inquiry when a complaint is made. If there is no complaint from the repelled party, and no restoration because of the insufficiency of the cause assigned by the minister, the act of suspension remains in force, until remitted by the minister under the rubrics. Should the act of the minister be reversed, the bishop directs that the repelled communicant be restored. If it be confirmed, the bishop may declare that the act of repulsion was warranted under the rubric and canon, and that the suspension should continue until remitted by the minister, or he may ratify the repulsion, and proceed to deprive the repelled communicant of the privileges of church membership. In such a case, it would exclude him from the Holy Communion in every church, both in the diocese, and probably, in every other diocese, and would require the remission to be pronounced by the bishop, as all authority of the minister would have been concluded.

An interesting case recently occurred in the Diocese of Massachusetts. A certain lady, a communicant of the Church, greatly annoyed both the minister in charge of a congregation and the members of said congregation by her actions, whereby she manifested her approval or

disapproval of the minister's sermons. If she did not agree with what he said, she would rattle her beads, rustle the pages of a book, and in other audible ways manifest her disapproval. Finally, after repeated attempts had been made to induce her to refrain from her peculiar actions, the minister handed her a note which she refused to take. The note or letter forbade her to partake of the Holy Communion "until you satisfy me or my successor or superior of your repentance and amendment." This letter she refused to receive. The minister then left the letter on a seat in front of her, with the request, "I want you to read that before the service goes on." After the service the letter could not be found. When she persisted in coming to the communion rail to receive the Holy Communion, the minister passed her by, and the next Sunday, or a few Sundays after, stationed a constable at the door of the church with instructions not to let the said lady enter. On being informed by the constable that she could not enter the church, she made no attempt to enter, but acquiesced and obeyed the order. Later she brought suit against the minister and the bishop of the diocese for refusing to administer the Holy Communion to her and for exclusion from the church edifice.

The court decided against the plaintiff, the lady in question, and an appeal was taken to a higher court. This court upheld the decision of the lower court that the plaintiff had no cause of action.

The court in delivering its opinion stated among other things, that a person's religious rights as a communicant are not enforceable in the civil courts. The act of passing her by in administering the Holy Communion

was within the discipline or ecclesiastical polity of the Church and does not constitute actionable defamation of character. By Canon 16 (now Canon 45), to which the plaintiff subjected herself, control of the worship and spiritual jurisdiction of the mission, including the use of the building used for religious services, was in Papineau as the minister in charge, "subject to the authority of the Bishop." . . . The manner and time of admission having been within his control primarily; the acts of temporary exclusion are not reviewable at law or in equity. (*Carter v. Papineau*, 222 Mass. p. 464.)

Section 3 (a) provides for the reference of doubtful cases to the bishop before admitting a person to baptism, or to confirmation, or to the Holy Communion, when such person has been married contrary to the Word of God or the discipline of the Church, with the provision that these ordinances shall not be refused to a penitent person in imminent danger of death.

Section 3 (b) as now written would seem to indicate that marriage by civil authority or otherwise than as this Church provides *ipso facto* bars the parties from communicant status, if already confirmed, baptism or confirmation, without action by the bishop or ecclesiastical court to either of which application may apparently be made. One wonders if the draftsman of this clause did not intend to use the word "authority" instead of "court." An amendment substituting the words "authority being a bishop" for the word "court" seems in order.

CANON 17

Of the Solemnization of Holy Matrimony

Legal and
canonical
require-
ments

SECTION 1. Every Minister of this Church shall conform to the laws of the State governing the creation of the civil status of marriage, and also to the laws of this Church governing the solemnization of Holy Matrimony.

Conditions

SEC. 2. No Minister of this Church shall solemnize any marriage unless the following conditions are complied with:

(a) He shall have ascertained the right of the parties to contract a marriage according to the laws of the State.

(b) He shall have ascertained the right of the parties to contract a marriage according to the laws of this Church, and not in violation of the following impediments:

Impedi-
ments to
marriage

(1) Consanguinity (whether of the whole or of the half blood) within the following degrees:

(a) One may not marry one's ascendant or descendant.

(b) One may not marry one's sister.

(c) One may not marry the sister or brother of one's ascendant or the descendant of one's brother or sister.

(2) Mistake as to the identity of either party.

(3) Mental deficiency of either party sufficient to prevent the exercise of intelligent choice.

(4) Insanity of either party.

(5) Failure of either party to have reached the age of puberty.

(6) Impotence, sexual perversion, or the existence of venereal disease in either party undisclosed to the other.

(7) Facts which would make the proposed marriage bigamous.

(8) Concurrent contract inconsistent with the contract constituting canonical marriage.

(9) Attendant conditions: error as to the identity of either party, fraud, coercion or duress, or such defects of personality as to make competent or free consent impossible.

(c) He shall have ascertained that at least one of the parties has received Holy Baptism.

At least one party to be baptized

(d) He shall have instructed the parties as to the nature of Holy Matrimony.

Personal instruction

(e) The intention of the parties to contract a marriage shall have been signified to the Minister at least three days before the service of solemnization; *Provided*, that, for weighty cause, the Minister may dispense with this requirement, if one of the parties is a member of his congregation, or can furnish satisfactory evidence of his responsibility. In case the three days' notice is waived, the Minister shall report his action in writing to the Ecclesiastical Authority immediately.

Three days' notice of intention

(f) There shall be present at least two witnesses to the solemnization of the marriage.

Presence of witnesses required

(g) The Minister shall record in the proper register the date and place of the marriage, the names of the parties and their parents, the age of the parties, their residence, and their Church status, and the witnesses and the Minister shall sign the record.

Marriages to be recorded in Register

SEC. 3. The Minister shall have required that the parties sign the following declaration:

Declaration of Intention

"We, A. B. and C. D., desiring to receive the blessing of Holy Matrimony in the Church, do solemnly declare that we hold marriage to be a lifelong union of husband and wife as it is set forth in the Form of Solemnization of Holy Matrimony in the Book of Common Prayer. We believe it is for the purpose of mutual fellowship, encouragement, and un-

derstanding, for the procreation (if it may be) of children, and their physical and spiritual nurture, for the safeguarding and benefit of society. And we do engage ourselves, so far as in us lies, to make our utmost effort to establish this relationship and to seek God's help thereto."

Minister
may decline
to officiate

SEC. 4. It shall be within the discretion of any Minister of this Church to decline to solemnize any marriage.

SEC. 5. No Minister of this Church shall solemnize any marriage except in accordance with these Canons.

Restrictions

SEC. 6. No Minister of this Church shall solemnize the marriage of any person who has been the husband or wife of any other person then living whose marriage has been annulled or dissolved by the civil court, except as hereinafter in these Canons provided; nor shall any member of this Church enter upon a marriage when either of the contracting parties has been the husband or the wife of any other person then living whose marriage has been annulled or dissolved by a civil court, except as hereinafter in these Canons provided.

CONVENTION OF 1808

The subject of marriage first engaged the attention of the General Convention in 1808, when the House of Deputies, consisting of fourteen clerical and thirteen lay deputies, on the request of the Convention of the Diocese of Maryland, regarding the expediency of adopting the English Canon concerning Marriages, and inserting the same in future editions of the Prayer Book, passed the following resolutions:

Resolved: That the communication from the Convention of the Diocese in Maryland, on the subject of the English Canon concerning Marriages be referred to the House of Bishops, with a request that they will consider the same, if they deem it expedient, during the present or at some future Convention, and will make any communication to this House which they may deem proper.

In reply to this request of the House of Deputies, the House of Bishops, consisting of only two bishops, Bishops White and Claggett, returned the following reply:

The House of Bishops having taken into consideration the message sent to them by the House of Clerical and Lay Deputies, relative to the subject of marriage, as

connected with the table of degrees, within which, according to the Canons of the Church of England, marriage cannot be celebrated, observe as follows:

Agreeably to the sentiment entertained by them, in relation to the whole Ecclesiastical system, they consider that table as now obligatory on this Church, and as what will remain so; unless there should hereafter appear cause to alter it, without departing from the Word of God, or endangering the peace and good order of this Church. They are, however, aware, that reasons exist for making an express determination as to the light in which this subject is to be considered. They conceive so highly of the importance of it, and it is connected with so many questions, both sacred and civil, that they doubt the propriety of entering on it, without maturer consideration than any expected length of the present Session will permit; and this opinion derives additional weight, both from there being but few of their house present, and from there being several of the churches not represented in this Convention.

Accordingly, they content themselves with recommending the subject to be considered and acted on at a future Convention.

The same Convention also passed the following joint resolution:

Resolved, That it is the sense of this Church, that it is inconsistent with the law of God, and the Ministers of this Church, therefore, shall not unite in matrimony any person who is divorced, unless it be on account of the other party having been guilty of adultery.

This joint resolution was the only pronouncement of the General Convention on the subject of the solemnization of matrimony until 1868.

CONVENTION OF 1868

The first canonical enactment by the General Convention on the subject of the solemnizing of matrimony was enacted by the Convention of 1868 as Canon 13 of Title II, and which read as follows:

No minister of this Church shall solemnize Matrimony in any case where there is a divorced wife or husband of either party still living; but this Canon shall not be held to apply to the innocent party in a divorce for the cause of adultery, or to parties once divorced seeking to be united again.

CONVENTION OF 1877

The question of what force the joint resolution of 1808 has so far as it affected the discipline of the Church, was considered by a special joint committee appointed by the Convention of 1874, which committee was ordered to report its findings to the next Convention.

In its report to the Convention of 1877, this committee declared, among other phases of the force of joint resolutions, as follows: (*Jour. Con. 1877, pp. 142, 143*).

But there is a body of joint resolutions which on their face have the character of a positive act of legislation.

In 1808 it was jointly resolved that it is the sense of this Church, that it is inconsistent with the law of God, and therefore the Ministers of this Church *shall not unite in matrimony* any person who is divorced, unless such divorce have been granted on account of the adultery of the other party. And it was also resolved that the Ministers of this Church ought not to perform the funeral service in the case of any person who shall give or accept a challenge to a duel. In 1856, in the House of Deputies, a resolution was referred, to consider the propriety of preparing a Canon which should effectually accomplish the objects of the resolutions of 1808, above cited.

The Committee on Canons reported adversely on this resolution, and the House refused to accept the proposed Canon. . . .

The resolution of 1808, as to marrying a divorced party, was as imperative in language as the Canon of 1868; yet the House of Bishops treat it as an opinion only, and there is no trace in our Church of its having been treated as a law. . . .

Reviewing the action of this Convention since its organization, in regard to joint resolutions, we find, however,

1. That no penalty has ever been provided in any joint resolution passed by it.
2. That in Canon 2, Title II, which sets forth the offenses for which Ministers may be tried and punished, it is provided that every Minister may be tried and punished for the violation of the Constitution and Canons of the General Convention, but no provision is made for the violation of a joint resolution.
3. That at different times one of the constituent Houses of this Convention has, in direct words, declared a joint resolution to be the mere expression of the opinion of the Convention, and that both Houses appear to have always given that construction to a joint resolution.
4. That this Convention has refused to pass Canons submitted to it on certain subjects, and has passed, immediately thereafter, joint resolutions in almost the same words used in the proposed Canons.
5. That it has passed Canons for the express purpose of putting into the form of law that which had theretofore been merely in the form of joint resolutions.

In view of these precedents, and this long continued and unvarying construction given by the Convention to joint resolutions, this Committee recommend the adoption of the following:

RESOLUTIONS

First, That the joint resolutions heretofore passed by the General Convention have never been deemed to have, and ought not to be construed as having, the force of law, but as being merely the expression of an opinion.

Second, That in view of the different doctrine prevailing in the civil courts of our country, and to remove all doubts for the future, an amendment should be made to the Constitution, which will require all future legislation to be by Canon.

Third, That a joint resolution professing to interpret a law is only an opinion, of great weight indeed, but not obligatory.

This report was placed upon the calendar, and not being reached until the last day of the session, its consideration was postponed to the next Convention.

CONVENTION OF 1877

The Convention of 1877 repealed the Canon of 1868, and enacted the following canon in its place, as Title II, Canon 13.

OF MARRIAGE AND DIVORCE

Sec. 1. If any persons be joined together otherwise than as God's Word doth allow, their marriage is not lawful.

Sec. 2. No Minister, knowingly, after due inquiry, shall solemnize the marriage of any person who has a divorced husband or wife still living, if such husband or wife has been put away for any cause arising after marriage; but this Canon shall not be held to apply to the innocent party in a divorce for the cause of adultery, or to parties once divorced seeking to be united again.

Sec. 3. If any Minister of this Church shall have reasonable cause to doubt whether a person desiring of being admitted to Holy Baptism, or to Confirmation, or to the Holy Communion, has been married otherwise than as the Word of God and discipline of this Church allow, such Minister, before receiving such person to these ordinances, shall refer the case to the Bishop for his godly judgment thereupon; *provided, however*, that no Minister shall, in any case, refuse the Sacraments to a penitent person in imminent danger of death.

Sec. 4. Questions touching the facts of any case arising under Section 2 of this Canon shall be referred to the Bishop of the Diocese or Missionary Jurisdiction in which the same may occur; or if there be no Bishop of such Diocese or Missionary Jurisdiction, then to some Bishop to be designated by the Standing Committee; and the Bishop to whom such questions have been so referred shall thereupon make inquiry in such manner as he shall deem expedient, and then deliver his judgment in the premises.

Sec. 5. This Canon, so far as it affixes penalties, does not apply to cases occurring before it takes effect, according to Canon 4, Title IV.

This canon had been passed by the House of Bishops in the Convention of 1874, but was referred by the House of Deputies to the next Convention.

When this canon came up for consideration in the House of Deputies in the Convention of 1877, it was the subject of an extended debate. Objections were made to the second section in that its provisions were too stringent. This objection was answered by showing that its provisions were almost identical with those of the Canon of 1868, the only difference being that its provisions were made a little clearer.

The third section provided that when there was sufficient reason

to doubt that persons desirous of being admitted to the sacraments were legally married, the case should be referred to the bishop.

The fourth section provided how the minister was to proceed if he had any doubts concerning the facts in the case, when parties came to him to be married.

The fifth section provided that the canon should not be retroactive in the matter of penalties.

The enactment of this canon was strongly urged upon the ground that the Canon of 1868 was binding only upon the clergy, while the proposed canon provided for reaching the offending parties, and also provided penalties for the offenders. It was further declared that the Canon of 1868 was a snare to the clergy, and as an illustration thereof the following case was stated by a deputy, during the debate, as coming under his own observation.

A communicant of the Church formed an adulterous connection and was divorced, and then having completed his villainy, he came to a Clergyman of this Church to be married. The Clergyman, the facts being notorious, absolutely refused to do it. He went to every other Clergyman, sectarian and otherwise, in that village, and they all refused. He then went to an esquire, a member of the law, such as these men are, and the man married him without hesitation. Then he came back to his Clergyman (he was a lawyer himself), with this Canon, (the former Canon), in his hand, and he said to him: "To be sure you could not marry me, but you cannot in any way touch me. I have been legally married by the law of the State, and there is no Canon of your Church by which, having been so married, I can be deposed from the position of a Communicant of the Church."

Other cases of a similar character were cited during the debate, all of which showed the necessity of making some provision to meet such cases, and as a protection to the clergy.

CONVENTION OF 1880

In the Convention of 1880, this report was referred to the Committee on Amendments to the Constitution of the House of Deputies, which committee reported, in part, as follows: (*Jour. Con. 1880, pp. 114, 115.*)

With the third of these resolutions, namely, that which asserts the non-obligatory character of joint resolutions which profess to interpret law, your Committee find themselves unanimously in accord, but to the doctrine of the other two, they cannot so assent.

After calling attention to the fact that some dioceses had been admitted into union with the Convention by joint resolution, which

would, therefore, seem to have the force of law, the committee concluded its report as follows:

Your Committee, therefore, recommend the passage of the following resolutions instead of those appended to the Report above quoted:

1. *Resolved*, That it is inexpedient so to amend the Constitution as to require that all future legislation shall be by Canon.

2. *Resolved*, the House of Bishops concurring, That the Secretaries of the two Houses be instructed to compile and print, for the use of the General Convention, a classified list of all joint resolutions heretofore passed, in order that the Convention may be able intelligently to determine which of them, if any, ought to be inserted in the Digest (as being part of the disciplinary code of the Church).

After the words in brackets at the end of the second resolution had been stricken out, the report was adopted by the House of Deputies.

It is evident from the reports of the two committees of the House of Deputies, that the joint resolution of the Convention of 1808, relative to the remarriage of a divorced person by a minister of this Church, never had the force of law, and as the Committee of 1877 states, "there is no trace in our Church annals of its having been treated as a law."

Therefore, the canon enacted by the Convention of 1868 may be considered as the first law of the American Church on the remarriage of a divorced person.

CONVENTION OF 1883

While the canon enacted by the Convention of 1877 remained without amendment until the revision of the canons by the Convention of 1904, several attempts were made to amend it in the intervening conventions.

The Convention of 1883 appointed a joint committee "to consider the duty of the Church in relation to the whole subject of Marriage, including the impediments to the contract thereof, the manner of its solemnization, and the conditions of its dissolution, and to report to the next General Convention."

CONVENTION OF 1886

This committee made an exceedingly interesting and able report to the Convention of 1886, (*Jour. Con. 1886, p. 783*), and recommended the adoption of a proposed canon.

Some of the principal features of this proposed canon were as fol-

laws: The prohibition of marriages within the degrees of consanguinity and affinity specified in Lev. xviii. 6-18.

Ministers not to solemnize the marriage of any person under eighteen years of age, without the written consent of the parent or guardian.

No marriage to be solemnized except in the presence of at least two witnesses, each of whom to be personally acquainted with both parties.

Every minister to keep a register of marriages, in which he was to record certain facts, and this record to be signed by both parties to the marriage, by at least two witnesses, and by the minister.

The law of the Church concerning divorce is that contained in St. Matt. v. 32, xix, 9; St. Mark x. 11; and St. Luke xvi. 18.

Marriage when duly solemnized not to be dissolved except for adultery or fornication, and the guilty party prohibited from marrying again during the life time of the other party.

Any minister violating the provisions of the canon to be subject to trial, and liable to admonition for the first offence, and to suspension or deposition for a repetition of the same.

Persons marrying in violation of the canon, not to be permitted to receive the Holy Communion, except upon penitence and after avowed final separation. This proposed canon was adopted by the House of Bishops in the Convention of 1886, with slight amendments, but the House of Deputies failed to concur therein, and the whole matter was referred to the next Convention.

CONVENTIONS OF 1889, 1892, 1895, 1898

The Convention of 1889 also referred the whole subject to the next Convention.

In the Convention of 1892 the two houses failed to agree upon a new canon, and the subject was again referred to the next Convention.

The Convention of 1895 referred the subject of the amendment of the Canon on Marriage and Divorce to the Joint Commission of the Revision of the Constitution and Canons previously appointed.

In the Convention of 1898, several amendments were offered to the Canon on Marriage and Divorce, in the House of Deputies, all of which were referred to a special committee of that House to report at the next Convention.

CONVENTION OF 1901

This special committee reported to the House of Deputies in the Convention of 1901, three canons, one of Holy Matrimony and Impediments thereto, one of The Solemnization of Holy Matrimony, and one Of the Discipline of Divorced Persons.

In the first canon were set forth the marriages that are prohibited on the ground of the impediments of consanguinity as set forth in the 18th chapter of Leviticus.

The second proposed canon is important in that it contains a new principle in American canonical legislation governing the remarriage of divorced persons. The fourth section of this canon read as follows:

No Minister shall solemnize a marriage between any two persons unless or until by inquiry he shall have satisfied himself that neither person has been, or is, the husband or wife of any other person then living; unless the former marriage was annulled by a decree of some civil court of competent jurisdiction for cause existing before such former marriage.

This section would prohibit a minister of the Church from joining in Holy Matrimony any person who had been divorced for any cause arising after marriage.

In connection with this section, the first section of the third proposed canon presents an interesting comparison. It read as follows:

No person divorced for cause arising after marriage, and marrying again during the life time of the other party to the divorce, shall be admitted to Baptism or Confirmation or the Holy Communion—except when penitent and separated from the other party to the subsequent marriage—or when penitent and in immediate danger of death; but this Canon shall not apply to the innocent party to a divorce for the cause of adultery.

Under these proposed canons, no minister of this Church could perform the marriage of the so-called innocent party in a divorce for adultery, but such person if married again, could not be refused the sacraments of the Church.

The remaining sections of this proposed third canon provided that no person should be denied Baptism, Confirmation, or the Holy Communion, without due and sufficient notice of such intended denial, and also, that such person should have the right of appeal to the bishop, who should have the right after due consultation with two other bishops, and with their consent, to grant a dispensation from the provisions of the canon, and such other relief as might be appropriate.

The first two of the proposed canons, the one relating to Holy

Matrimony and Impediments thereto, and the one Of the Solemnization of Holy Matrimony were considered by the committee of the whole in the House of Deputies, and after material amendments had been made, and the two canons combined into one, the amended canon was recommended to the House for adoption.

The fourth section of this canon was substantially the same as that recommended by the special committee, and allowed no remarriage after divorce for any cause.

This section received the vote of a majority of the dioceses in the clerical order, but was defeated by the lay order.

The House of Bishops in the same Convention passed a canon in practically the same words as that reported to the House of Deputies by the committee of the whole, and the message of that House containing the canon thus adopted was considered in the House of Deputies together with the report of the special committee.

CONVENTION OF 1904

In the Convention of 1904, the Committee on Canons in the House of Deputies recommended for adoption a canon on marriage and divorce containing a section on the remarriage of divorced persons in substantially the same language as the section of the canons on the same subject which failed of adoption in the House of Deputies in the Convention of 1901 by a nonconcurrence of orders.

This canon was considered by the House of Deputies in the committee of the whole, and by that committee recommended to the House for adoption. After an exhaustive debate, continuing for four days, the section containing the provision that no minister of this Church should solemnize the marriage of any person who had a divorced husband or wife still living, was defeated in a vote by orders, by one vote in the clerical order and five votes in the lay order.

In the House of Bishops, the section above alluded to was passed by a large majority. When the message of the House of Bishops containing the action of that House in the matter was laid before the House of Deputies, it was referred to the Committee on Canons of that House which reported in favor of concurrence with certain amendments. The principal amendment was to the section relating to the marriage of persons divorced. The amendment provided that the canon should not apply to the innocent party in a divorce for adultery, with a provision that before the application for such remarriage, a period

of not less than one year shall have elapsed after the granting of such divorce. Then satisfactory evidence touching the case, including a copy of the court's decree and record, if practicable, with proof that the defendant was personally served or appeared in the action, must be laid before the ecclesiastical authority, and such authority, after taking legal advice thereon, may then issue a license for such remarriage. It was further provided that no minister shall be liable to censure or discipline for refusal to solemnize such marriage.

The committee, in reporting this amended canon stated that it was of the opinion that the amendments proposed might lead to a harmonious conclusion of the whole matter. The proposed canon was avowedly a compromise between those who desired that no remarriage of divorced persons, having a husband or wife still living from whom they were divorced, should be permitted by the Church, and those who desired that an exception should be made in the case of the so-called innocent party.

The canon as recommended by the committee, with slight amendments, was adopted by the House of Deputies, and concurred in by the House of Bishops by a majority of two.

CONVENTION OF 1910

In the Convention of 1910, the House of Bishops adopted an amendment to Canon 38, striking out all of Section 3, after the words, "arising after marriage," so that the section would read:

No Minister, knowingly after due inquiry, shall solemnize the marriage of any person who has been or is the husband or the wife of any other person then living, from whom he or she has been divorced for any cause arising after marriage.

The House of Deputies postponed the consideration of the message of the House of Bishops containing its proposed amendment to Canon 38, to the next Convention.

CONVENTION OF 1913

No action was taken on the said message of the House of Bishops in the House of Deputies in the Convention of 1913. A resolution proposing to amend Section 3 of Canon 38, in the same manner as proposed by the House of Bishops in the Convention of 1910, was referred to the Committee on Canons, which committee reported in favor of referring said resolution to the Joint Commission on Marriage, and it was so referred.

CONVENTION OF 1916

The Joint Commission on Legislation on Matters relating to Holy Matrimony made an extended report to the Convention of 1916. A part of said report was as follows:

"The whole subject of marriage, with its responsibilities and obligations, should be made a matter for careful instruction by the clergy much more frequently than is now common. The teaching of true marriage is one of the best defences against divorce and other evils which now afflict and threaten the nation.

"In such instruction the distinction must be made clear between marriages which are allowed by the civil law, representing all that can be imposed upon people of varying and of no religious beliefs, and marriages which can be sanctioned and blessed by the Church as conformable to God's will and the teaching of our Lord Jesus Christ. . . .

"The refusal of the Church to bless and solemnize a marriage need not be followed by a permanent exclusion from the Sacraments. Consideration must be had of the good faith in which a marriage may have been entered on in ignorance of the Church's law, and while not subject to the Church's discipline; and of the practical impossibility in many cases, without greater wrong, of the breaking up of a family. In some such cases there must be a power of discretion, very carefully exercised, to admit or readmit persons to the Sacraments. This power must rest with the Minister of the congregation and the Bishop of the Diocese, as the chief minister of discipline.

"With this provision the Commission feels justified in recommending an entire refusal to solemnize with the Church's blessing the marriage of any person who has a divorced partner still living. The doubtfulness of the supposed exception in the Gospel according to St. Matthew, the extreme difficulty of determining the innocence of either party to a divorce, and of maintaining the disciplinary safeguards of our existing Canon, and the confusion which these introduce into the Church's law, make it clear in the judgment of the Commission, that the wise course is to refuse the Church's rites of benediction upon any marriage after divorce, during the lifetime of the other party to the original marriage. . . .

"In accordance with these principles, the Commission recommends the amendment of Canon 40, 'Of the Solemnization of Matrimony,' by the substitution of the following sections for the existing Sections 3 and 4."

Sec. 3. (i) No marriage shall be solemnized in this Church between parties either of whom has a husband or wife still living, who has been divorced for any cause arising after marriage.

(ii) Where it is claimed that the divorce has been granted for causes arising before the marriage, satisfactory evidence touching the facts in the case, including a copy of the Court's Decree and record, if practicable, with proof that the defendant was personally served, or appeared in the action, shall be laid before the Ecclesiastical Authority, who shall thereupon take counsel with his Chancellor or other legal adviser. Where this claim is established by the record, the Ecclesiastical Authority shall declare in writing that such a Divorce, being in fact a Decree of Annulment, is no bar to the marriage of either party.

Sec. 4. The admission to the Sacraments of persons who have entered on a marriage not in accordance with the laws of this Church, shall be referred by the Minister of the Congregation to the Bishop of the Diocese, whose decision in the matter shall be final.

When the question of the adoption of Section 3, clause (i), as recommended by the joint commission, as above set forth, came before the House of Deputies, it was negatived by reason of nonconcurrence of orders, the clergy voting in favor of its adoption by a considerable majority, while the lay order voted against its adoption by a small majority.

The Joint Commission on Matters relating to Holy Matrimony was continued by the Convention and directed to report to the next Convention.

CONVENTION OF 1919

The joint commission reported to the Convention of 1919, recommending the same amendment to Section 3, clause (i), of Canon 40, as recommended by the commission to the Convention of 1916, and to substitute Section 4 of the report of 1916 for Section 4 of Canon 40. This report was referred to the Committee on Canons in the House of Deputies; with this report was also referred a proposed amendment to Section 3 of the canon, to the same effect as Section 3, clause (i), of the report of the commission.

A majority of the committee reported against the adoption of both proposed amendments to Canon 40, and their report was adopted by the House. Owing to the press of other matters, these proposed amendments were given but little consideration by the House.

CONVENTION OF 1922

This Convention amended Section 3 of the canon by inserting after the word "marriage" in line five thereof, the following words:
nor shall it be lawful for any member of this Church to enter upon a marriage

when either of the contracting parties is the husband or the wife of any other person then living, from whom he or she has been divorced for any cause arising after marriage.

Before this amendment was enacted, the canon only forbade a clergyman of this Church from solemnizing the marriage of a divorced person when the husband or the wife of such divorced person was still living; it did not forbid a member of the Church from contracting such a marriage. The canon as amended forbade any member of this Church, whose husband or wife from whom he or she had been divorced for any cause arising after marriage was still living, from entering into another marriage, except as provided in the proviso.

A proper treatment of this canon requires it be set out as it stood in 1922.

CANON 43

OF THE SOLEMNIZATION OF MATRIMONY

Sec. 1. Ministers of this Church shall be careful to secure the observance of the law of the State governing the civil contract of marriage in the place where the service shall be performed.

Sec. 2. (i) No Minister shall solemnize a marriage except in the presence of at least two witnesses.

(ii) Every Minister shall without delay formally record in the proper register the name, age and residence of each party. Such record shall be signed by the Minister who solemnizes the marriage, and, if practicable, by the married parties, and by at least two witnesses of the marriage.

Sec. 3. No Minister, knowingly after due inquiry, shall solemnize the marriage of any person who has been or is the husband or the wife of any other person then living, from whom he or she has been divorced for any cause arising after marriage. Nor shall it be lawful for any member of this Church to enter upon a marriage when either of the contracting parties is the husband or the wife of any other person then living from whom he or she has been divorced for any cause arising after marriage. But this Canon shall not be held to apply to the innocent party in a divorce for adultery; *Provided*, that before the application for such remarriage a period of not less than one year shall have elapsed, after the granting of such divorce; and that satisfactory evidence touching the facts in the case, including a copy of the Court's Decree, and Record, if practicable, with proof that the defendant was personally served or appeared in the action, be laid before the Ecclesiastical Authority, and such Ecclesiastical Authority, having taken legal advice thereon, shall have declared in writing that in his judgment the case of the applicant conforms to the requirements of this Canon; and *Provided, further*, that it shall be within the discretion of any Minister to decline to solemnize any marriage.

Sec. 4. If any Minister of this Church shall have reasonable cause to doubt whether a person desirous of being admitted to Holy Baptism, or to Confirmation, or to the Holy Communion, has been married otherwise than as the Word of God and discipline of this Church allow, such Minister, before receiving such person to these ordinances, shall refer the case to the Bishop for his godly judgment there-

upon; *Provided, however*, that no Minister, shall in any case refuse these ordinances to a penitent person in imminent danger of death.

It must also be considered with Canon 18.

CONVENTION OF 1925

An amendment of Section 3 was proposed which would have restricted remarriage to cases where the bishop, acting with legal advice, found on the record that the divorce had been granted for cause arising before marriage. The canon as amended would have provided that where this claim is established by the record, the bishop shall declare in writing that such a divorce, being in effect a decree of annulment, is no bar to the marriage of either party. This proposal failed in the House of Deputies.

In the House of Bishops a proposal to amend the canon, so as to allow the marriage of the innocent party in any divorce with the consent of the ecclesiastical authority, was defeated. Accordingly, at this Convention the Matthean exception prevailed against an attempt to abolish it and one to remove all specific grounds for dispensation.

The first proposal is much like Canon 36, Of Holy Matrimony, proposed in the report of the Archbishops' Commission on Canon Law, London, 1947.

CONVENTION OF 1931

At this Convention the canon was renumbered Canon 41 and very substantially amended.

The report of the Joint Commission on Marriage and Divorce to this Convention should be read in its entirety to learn the result of its research on the subject. (*Jour. Con. 1931, p. 470*)

A majority of the Commission (*Jour. Con. 1931, p. 484 et seq.*) proposed an amendment of the canon by striking out everything after the title and inserting in its place a canon substituting nullity for the Matthean exception and prescribing nine impediments to marriage. It then provided that no minister, knowingly after inquiry, shall solemnize a marriage if there exists at the time any impediment to a valid marriage, and no member of this Church may enter upon a marriage when any impediment exists. Then came the provision: "If any marriage is entered upon when any of these impediments exist it shall be null."

Section 7 of the proposed canon read as follows:

Sec. 7. (i) No divorced person whose former spouse is alive shall be married by any Minister of this Church except as provided in this Section.

(ii) Any person whose marriage has been dissolved for any cause by a civil court may, after the expiration of one year from the granting of the divorce, apply to the ecclesiastical court of his or her domicile for permission to marry another person. The court shall thereupon inquire into the characters and personalities of the parties to the previous and proposed marriages and the conduct of the parties concerned in the divorce, and whether or not the applicant did what he or she reasonably could have done to avoid the separation; and if after this inquiry the court shall determine that the spiritual welfare of the applicant will be best served thereby, it may permit the marriage. In such case, a Minister of the Church may solemnize the same; provided it shall be within the discretion of any Minister to decline to solemnize any marriage.

The minority proposed the following:

Sec. 7. Any person whose marriage has been dissolved for any cause by a civil court and who has been remarried by civil authority, may apply to the ecclesiastical court of his or her domicile for recognition of such marriage. The court shall thereupon inquire into the character of the parties to the previous and the existing marriages and determine whether the welfare of the parties and the good of society will be served by such recognition.

In case of a favorable decision, no impediment shall exist to their membership in the Church and a Minister of this Church may in his discretion bless the parties to the union.

Provided, further, that it shall be within the discretion of any Minister to decline to solemnize any marriage.

Although it seems unnecessary to set forth the report in full, some extracts from it are important.

After stating its research the commission reported:

For the purpose of marriage and divorce the Canon Law provides only the tests of a legal marriage as set forth in Section 3 of the proposed Canon.

All these provisions are already the law of the Church, and as well they represent the law of all, or nearly all the States in the country. They are set out in order that we may have an exact statement of the law on this important subject accessible to every member of the Church.

The report, after referring to the marriage service as recognizing that certain marriages are not lawful, stated the commission has drawn up a definite list of impediments to a valid marriage upon the basis of which the ecclesiastical authority may declare a marriage null.

It then refers to the general ignorance of canon law and calls attention to the possibility of an interpretation of the existing canon which would leave the determination of nullity to individual clergymen.

The subject of courts is then treated.

Remarriage of divorced persons is discussed and the conclusion stated that, if a year has elapsed and the court permits, a clergyman may read a service of blessing of parties already married by civil authority, which is shown not to be an approval of the marriage but a prayer that the parties may receive the grace and help of God.

The Committee on Canons of the House of Bishops, to which the report was referred, proposed a substitute for both the majority and minority reports. (*Jour. Con. 1931, p. 73*)

It struck out the existing Section 3, allowing marriage of the innocent party after divorce for adultery, provided for nullity alone, created courts and prescribed impediments.

The record is somewhat confused but it appears on page 94 of the Journal that the amendment of Canon 43 was adopted in the House of Bishops.

Meanwhile, the House of Deputies adopted the canon proposed by the commission and so informed the House of Bishops, which did not concur and called for a committee of conference.

At this point the two houses seem in agreement on the abolition of the Matthean exception and recognition of nullity alone.

Whatever may have been the cause, the Committee of Conference reported a canon which retained the old proviso for marriage of the innocent party in a divorce for adultery and added new provisions governing the determination of nullity.

This report was adopted and as a result the canon was amended to read as follows:

CANON 41

OF THE SOLEMNIZATION OF HOLY MATRIMONY

SECTION 1. Ministers of this Church shall within their Cures give instruction both publicly and privately, on the nature of Holy Matrimony, its responsibilities and the mutual love and forbearance which it requires. Ministers shall give instructions

SEC. 2. Ministers of this Church shall conform to the laws of the State governing the civil contract of marriage, and also to the laws of this Church governing the solemnization of Holy Matrimony. Legal requirements

SEC. 3. (i) No Minister of this Church shall solemnize any marriage before the following conditions have been carefully complied with: Conditions

Due inquiry	(a) He shall ascertain by due inquiry the right of the parties according to the laws of this Church to contract a marriage.
	(b) He shall instruct the contracting parties as to the nature of Holy Matrimony, its responsibilities, and the means of grace which God has provided through His Church.
Presence of witnesses required	(ii) There shall be at least two witnesses present at the solemnization of the marriage.
Marriages to be recorded in Register	(iii) Every Minister shall without delay formally record in the proper register the name, age and residence of each party. Such record shall be signed by the Minister who solemnizes the marriage, by the married parties, and by at least two witnesses of the marriage.
Notice of three days	(iv) No marriage shall be solemnized by a minister of this Church unless the intention of the contracting parties shall have been signified to the Minister at least three days before the service of solemnization.
	SEC. 4. If one party to a marriage so grievously offend the other that the security of permanence of the home is imperilled it shall be the duty of the offended party to lay the matter before a Minister of the Church; and it shall be the duty of such Minister to labor that the parties may be reconciled.
Marriage of a divorced person is prohibited	SEC. 5. No Minister, knowingly after due inquiry, shall solemnize the marriage of any person who has been or is the husband or the wife of any other person then living, from whom he or she has been divorced for any cause arising after marriage. Nor shall it be lawful for any member of this Church to enter upon a marriage when either of the contracting parties is the husband or the wife of any other person then living from whom he or she has been divorced for any cause arising after marriage. But this Canon shall not be held to apply to the innocent party in a divorce for adultery; <i>Provided</i> that before the application for such remarriage a period of not less than one year shall have elapsed after the granting of such divorce; and that satisfactory evidence touching the facts in the case, including a copy of the Court's Decree, and Record, if practicable, with proof that the defendant was personally served or appeared in the action, be laid before the Ecclesiastical Authority, and such Ecclesiastical Authority, having taken legal advice thereon, shall have declared in writing that in his judgment the case of the applicant conforms to the requirements of this Canon; and <i>Provided, further</i> , that it shall be within the discretion of any Minister to decline to solemnize any marriage.
Exception	
Proviso	
Minister may decline to officiate	
	SEC. 6. (i) Any person whose former marriage has been annulled or dissolved by a civil court may apply to the Bishop or to the Ecclesiastical Court constituted by Canon, of the Diocese or Missionary District of the said person's domicile to have the said marriage declared null and void by reason of any of the following impediments to marriage:
Impediments to marriage	1 Consanguinity (whether of the whole or of the half blood) within the following degrees:

- (a) One may not marry one's ascendant or descendant.
- (b) One may not marry one's sister.
- (c) One may not marry the sister or brother of one's ascendant or the descendant of one's brother or sister.
- 2 Lack of free consent of either party.
- 3 Mistake as to the identity of either party.
- 4 Mental deficiency of either party sufficient to prevent the exercise of intelligent choice.
- 5 Insanity of either party.
- 6 Failure of either party to have reached the age of puberty.
- 7 Impotence of either party undisclosed to the other.
- 8 The existence of venereal disease in either party.
- 9 Facts which would make the proposed marriage bigamous.

(ii) The Bishop in such case, after taking legal advice, or the Ecclesiastical Court proceeding in accordance with the canons and acting through the Bishop, shall render judgment in writing to the petitioner. All judgments rendered under this Canon by the Bishop or the Ecclesiastical Court shall be made matters of permanent record in the archives of the Diocese or Missionary District. No such judgment shall be construed as referring in any way to the legitimacy of children or the civil validity of the former relationship.

Bishop or
Ecclesiastical
Court to
render
judgment

(iii) Any person whose former marriage has been annulled or dissolved by a civil court and pronounced null by the Bishop, may be married by a Minister of this Church as if he had never previously been married.

SEC. 7. (i) If any Minister of this Church shall have cause to think that a person desirous of Holy Baptism, or of Confirmation, or of receiving the Holy Communion, has been married otherwise than as the word of God and discipline of this Church allow, such Minister, before receiving such person to these ordinances, shall refer the case to the Bishop for his godly judgment thereupon. The Bishop, after due inquiry into the circumstances, and taking into consideration the godly discipline both of justice and of mercy, shall give his judgment thereon in writing. *Provided, however*, that no Minister shall in any case refuse these ordinances to a penitent person in imminent danger of death.

Reference of
doubtful
cases to the
Bishop
before
admission
to the
Sacraments

Proviso

(ii) Any persons who have been married by civil authority, or otherwise than as this Church provides may apply to the Bishop or to the Ecclesiastical Court of their domicile for the recognition of communicant status or for the right to apply for Holy Baptism or Confirmation. After due inquiry into all the facts relevant thereto, judgment shall be given in writing to the petitioners by the Bishop or by the Ecclesiastical Court acting through the Bishop. In case of a favorable decision, a Minister of this Church may, at his discretion, bless the parties to the union.

Judgment
shall be
given in
writing

The joint commission was continued.

CONVENTION OF 1934

An amendment of Section 3 (iv) was adopted adding after the words "the service of solemnization" the following:

Provided, that for weighty cause a Minister, upon less than the requisite three days' notice, may solemnize the marriage of persons one of whom is a member of his own congregation or is well known to the Minister, but in such a case the Minister shall immediately report his action to the Ecclesiastical Authority.

CONVENTION OF 1937

The joint commission at this Convention proposed a number of amendments.

First, it proposed to amend Section 5 by changing the sentence beginning "But this Canon, etc." to read "But this Canon shall not be held to apply to the innocent party in a divorce following the adultery of one of the contracting parties."

The commission called this a minor change! On the contrary, it would have legalized the position of some bishops that, although a divorce had been granted for some cause other than adultery, they had power *ex parte* to find it might have been granted on that ground. This was rejected.

Second, it proposed an amendment of Section 6, clause (ii) to read "Lack of free and legal consent of either party."

This was adopted.

Third, it proposed to amend Section 6, clause (vii) to read "Impotence or sexual perversion of either party undisclosed to the other."

This was adopted.

The commission also proposed a new section as follows:

Sec. 8. Any person whose former marriage has been dissolved for any cause by a civil court may, after the expiration of one year from the granting of the divorce, apply to the Bishop of his or her Diocese for permission to marry another person; and nothing in this Canon shall deprive the Bishop of his ecclesiastical power to permit such remarriage, if in equity and good conscience, he shall choose to do so. However, before such permission is granted by the Bishop, he shall take legal and, if necessary other advices, including that of the clergyman of the Parish of which the applicant is a member. He shall also inquire into the character and personality of the parties to the previous and the proposed marriage, and must determine whether the spiritual welfare of the parties thereto, and of society, will be served by the proposed marriage.

This was rejected.

Perhaps the most startling statement in the report is found on page 476 of the Journal as follows:

“. . . we should not be discussing this matter at all if Christ had made his mind perfectly clear.”

CONVENTION OF 1940

At this Convention the canon was renumbered Canon 42.

The joint commission presented a complete new canon (*Jour. Con. 1940, p. 475 et seq.*) with an interpretation by the Rev. Dr. Howard C. Robbins. It bore a new title “Of the Relationship of the Church and the Family.”

Section 1 provided for instruction by every minister “in the relation of the Church and the family,” obligations of spouses, parents and children, doctrine and discipline of Christian marriage, sacraments, etc., and that every minister should use all diligence to unite all families in his cure in the work and worship of the Church and in preserving the peace and concord of all families in his cure and made it the duty of all parties to dissension to lay the cause and circumstances before him.

The impediments were amended in a new Section 2. Clause (iv) was changed to read “Mental deficiency of either party sufficient to prevent fulfillment of the Marriage Vows” and clause (v) insanity of either party was omitted.

Impotence became clause (vi) and sexual perversion clause (vii).

The provision proposed in prior years for instruction of the parties to a marriage and signing of a statement was included.

In Section 3 there was an express provision for forfeiture of communicant status on marriage after divorce with possible restoration and blessing after a year from the dissolution of the marriage.

The provisions for marriage of the innocent party in a divorce for adultery were omitted.

A concurrent report of a committee of the Woman's Auxiliary stressed preparation for marriage and pastoral care for married people and seemed to favor civil marriage after divorce followed in proper cases by blessing, revival of banns, and that a person who remarried after divorce should not be excommunicated.

In the House of Bishops the substitution of mental deficiency for insanity in the impediments was approved.

The amendment to omit marriage after divorce for adultery was almost unanimously approved.

The express provision for excommunication was almost unanimously rejected.

A new canon substantially as recommended by the commission, with the foregoing exceptions, entitled "Of Holy Matrimony" was approved. The House of Deputies did not concur.

CONVENTION OF 1943

At this Convention in the rearrangement of canons this became Canon 16.

Section 6 was transferred to Canon 15, Of Regulations Respecting the Laity, as Section 3 (a) and (b); Sections 1 and 2 became Canon 16, Of the Solemnization of Holy Matrimony; and Sections 4-6 became Canon 17, Of Regulations Respecting Holy Matrimony and the Impediments Thereto.

The joint commission presented an elaborate report which should be read by everyone interested in the development of the marriage law of the Church. (*Jour. Con. 1943, p. 435*)

It presented two canons, A and B. A dealt with the relation between the Church and the family; B with the problems arising out of marital failure.

The canon recognized abnormalities and defects of character which, while not discernible before marriage, are nevertheless as real and insurmountable obstacles to a true marriage as mental incapacity.

To quote the report:

"In essence, Canon B proposes to put into the hands of the diocesan bishops the right to decide when this is the case. They are directed to associate with themselves the pastor, if possible of the petitioner, a lawyer, and a psychiatrist or physician and to investigate the case with a view to determining whether or not a Christian marriage has in fact been established." (*Jour. Con. 1943, p. 437*)

Bishop Thomas made a minority report recommending retention of Section 7 (i), the forgiveness canon.

When the report was presented in the House of Deputies, Canon Wattle of Louisiana presented a substitute recognizing nullity alone. (*Jour. Con. 1943, p. 248*)

The Committee on Canons recommended adoption of the Wattley Canon with the restoration of stated impediments:

- a. Consanguinity
- b. Lack of free and legal consent
- c. Mistake as to identity
- d. Total and incurable impotency
- e. Facts which make the marriage bigamous

Two members of the Committee on Canons reported in favor of the commission's canon.

Five members presented what was known as the Phister Canon.

This canon would have been as sound as a bell if instead of the words "The Canons" in Section 7 (ii) the words "Canon Law" were substituted and it formed the basis of the canon recommended by the commission in 1946.

In Committee of the Whole, the House of Deputies voted:

Those in favor of retaining present Canon	76
Those in favor of Commission Canon	110
Those in favor of majority report	159
Those in favor of minority report	177

Although the Phister Canon was thus favored in Committee of the Whole on individual votes, on a final vote by orders all amendments were defeated and the seventy-six obstructionists won, preserving the Matthean exception for three years more.

· CONVENTION OF 1946

Since at this Convention the Matthean exception was repudiated and stricken from the canon and nullity, the exact nature of which remains to be unanimously accepted, was substituted, it is important that the story be as fully told as space permits.

Canon 16 was renumbered Canon 17, while Canon 17 was renumbered Canon 18 and its title changed to "Of Regulations Respecting Holy Matrimony."

The report of the joint commission is printed in the Journal on page 442 and should be read by anyone studying this important question.

The commission presented the following resolutions:

I. *Resolved*, (the House of . . . concurring), That Canon 16 be amended to read:

CANON 16

OF THE SOLEMNIZATION OF HOLY MATRIMONY

I. Every Minister of this Church shall conform to the laws of the State governing the creation of the civil status of marriage, and also to the laws of this Church governing the solemnization of Holy Matrimony.

II. No Minister of this Church shall solemnize any marriage unless the following conditions are complied with:

(a) He shall have ascertained the right of the parties to contract marriage according to the laws of the State.

(b) He shall have ascertained the right of the parties to contract a marriage according to the laws of the Church.

(c) He shall have ascertained that at least one of the parties has received Holy Baptism.

(d) He shall have instructed the parties as to the nature of Holy Matrimony.

(e) The intention of the parties to contract a marriage shall have been signified to the Minister at least three days before the service of solemnization: *Provided*, that, for weighty cause, the Minister may dispense with this requirement, if one of the parties is a member of his congregation, or can furnish satisfactory evidence of his responsibility. In case the three days' notice is waived, the Minister shall report his action in writing to the Ecclesiastical Authority immediately.

(f) There shall be present at least two witnesses to the solemnization of the marriage.

(g) The Minister shall record in the proper register the date and place of the marriage, the names of the parties and their parents, the ages of the parties, their residence, and their Church status, and the witnesses, and the Minister shall sign the record.

III. It shall be within the discretion of any Minister of this Church to decline to solemnize any marriage.

IV. No Minister of this Church shall solemnize any marriage except in accordance with these Canons.

II. *Resolved*, (the House of . . . concurring), That the present Canon 17 be amended to read:

CANON 17

OF REGULATIONS RESPECTING HOLY MATRIMONY

Sec. 1. The provisions of this Canon shall apply to active members of this Church in good standing.

Sec. 2. (i) Any person, being a member of this Church in good standing whose marriage has been annulled or dissolved by a civil court of competent jurisdiction, and any person, being a member of this Church in good standing, who desires to marry a person whose marriage has been annulled or dissolved by a civil court of

competent jurisdiction, may apply to the Bishop or ecclesiastical authority of the Diocese or Missionary District in which such person is domiciled, for a judgment as to his or her marital status in the eyes of the Church, or for permission to be married by a Minister of this Church, provided one year shall have elapsed since the entry of the judgment of said civil court.

(ii) The Bishop or ecclesiastical authority, being satisfied that the parties intend a true Christian marriage, or that the applicant in good faith desires a judgment, shall refer the applicant to a court or to advisors (hereinafter called the Court) constituted and prescribed for that purpose by Canon of the Diocese or Missionary District, which shall proceed to receive such evidence as the applicant and any other person permitted by the Court to do so shall present, and thereupon render an advisory opinion in writing upon the law and the facts to the Bishop or ecclesiastical authority.

(iii) The Bishop or ecclesiastical authority, proceeding then in accordance with the canon law, shall render judgment in writing to the applicant.

(iv) If all the members of the Court do not concur in its opinion the Bishop, or ecclesiastical authority, upon receipt thereof, shall transmit the record, together with an opinion of the Chancellor of the Diocese or Missionary District, to the Commission hereinafter constituted.

(v) The Bishop or ecclesiastical authority in such case, may in his discretion defer his judgment until receipt of the opinion of the Commission on Holy Matrimony.

(vi) There shall be a permanent Commission on Holy Matrimony of this Church appointed triennially by the Presiding Bishop by and with the advice and consent of the House of Bishops and consisting of three presbyters and two laymen, learned in the canon law, who shall hold office for three years and be eligible for re-appointment.

(vii) The Commission on Holy Matrimony, upon receipt of the record in any application as provided in subdivision (iv) hereof, shall review the same and render its opinion in writing to the Bishop or ecclesiastical authority.

(viii) Each opinion of the Commission on Holy Matrimony rendered under this Canon by the Commission shall be printed, omitting the names of the applicant and all other parties and witnesses, and a copy sent to the Bishop or ecclesiastical authority of each Diocese and Missionary District.

(ix) The Bishop or ecclesiastical authority shall take care that his or its judgment is based upon and conforms to the doctrine of this Church, that marriage is a physical, spiritual, and mystical union of a man and woman created by their mutual consent of heart, mind, and will thereto, and is lifelong; but when facts are shown to exist or to have existed which manifestly establish that no marriage bond as the same is recognized by this Church exists, the same may be declared by proper authority.

(x) Every judgment rendered under this Canon shall be made a matter of permanent record in the archives of the Diocese or Missionary District.

(xi) Any person in whose favor a judgment has been granted under the provisions of this Canon may be married by a Minister of this Church.

III. *Resolved*, (the House of . . . concurring), that Canon 44 be amended by inserting the following Sec. 2 (b) and the succeeding subsections lettered accordingly: "Every Minister in charge of a congregation shall give, or cause to be given, to both adults and children, regular instruction in the relation of the Church and the family; which instruction shall include the duties and responsibilities of membership in a family, the mutual obligations and privileges of spouses and of parents and children, and the Christian doctrine and discipline of marriage, together with the particular ministration of the Word and Sacraments and the work and worship of the Church of which the family and its members have need for the fulfillment of the Christian life."

IV. *Resolved*, (the House of . . . concurring), that Canon 44 be amended by inserting the following Sec. 2 (c) and the succeeding subsection be lettered (d) "Every Minister in charge of a congregation shall, in exercising his pastoral ministry, take care to make the family a basic unit and objective of his effort."

V. *Resolved*, (the House of . . . concurring), that Canon 15, Sec. 2, be amended to read as follows: "When a person to whom the sacraments of the Church shall have been refused, or who has been repelled from the Holy Communion under the Rubrics, or who desires a judgment as to his status in the Church, shall lodge a complaint or application with the Bishop, or ecclesiastical authority, it shall be the duty of the Bishop, or ecclesiastical authority, unless he or it sees fit to require the person to be admitted or restored because of the insufficiency of the cause assigned by the Minister, to institute such an inquiry as may be directed by the Canons of the Diocese or Missionary District, and should no such Canon exist, the Bishop or ecclesiastical authority shall proceed according to such principles of law and equity as will insure an impartial decision; but no Minister of this Church shall be required to admit to the Sacraments a person so refused or repelled, without the written direction of the Bishop or ecclesiastical authority."

VI. *Resolved*, (the House of . . . concurring), that Canon 15 be amended by inserting the following new Section 3 (a): "When marital unity is imperilled by dissension, it shall be the duty of either or both parties, before contemplating legal action, to lay the matter before a Minister of this Church; and it shall be the duty of such Minister to labor that the parties may be reconciled."

VII. *Resolved*, (the House of . . . concurring), that since the matter is covered by Resolution V the present Section 3 of Canon 15 be repealed.

VIII. *Resolved*, (the House of . . . concurring), that this Convention recommends to the Bishops and Clergy of this Church that before solemnizing any marriage they require the parties thereto to sign the following statement signifying their understanding of the Church's doctrine regarding marriage and their intention to be faithful to it:

"We A. B. and C. D., desiring to receive the blessing of Holy Matrimony in the Church, do solemnly declare that we hold marriage to be a lifelong union of husband and wife as it is set forth in the Form of Solemnization of Matrimony in the Book of Common Prayer. We believe it is for the purpose of mutual fellowship, encouragement, and understanding, for the procreation (if it may be) of children, and their physical and spiritual nurture, for the safeguarding and benefit of society.

And we do engage ourselves, so far as in us lies, to make our utmost effort to establish this relationship and to seek God's help thereto."

IX. *Resolved*, (the House of . . . concurring), that this Convention direct and it does hereby direct the National Council, through its Divisions of Christian Education, and Christian Social Relations, in cooperation with such other agencies as may be involved, and in consultation with the Commission on Holy Matrimony, to prepare suitable guides for the preparation of Christian marriage, the responsibilities and duties of family membership and the doctrine and discipline of this Church in regard to Holy Matrimony, and to use every effort to obtain the use of such material in the parishes and missions of this Church.

Two provisions should be noted. First, Section 2 (iii) which provides:

(iii) The Bishop or ecclesiastical authority, proceeding then in accordance with the canon law, shall render judgment in writing to the applicant.

Second, the provision in Section 2 (vi) for a permanent Commission on Holy Matrimony with power to render advisory opinions.

A special committee was appointed in the House of Bishops "to report the following morning a substitute for all proposed action" and returned with the canon substantially in its present form, which the House adopted and in which the House of Deputies concurred.

CONVENTION OF 1949

Section 3 of Canon 17 was inserted requiring a signed declaration by the parties to a marriage and old Section 3 was renumbered Section 4, and Section 4 became Section 5.

The present Section 6 was added which forbids a minister to solemnize the marriage of a person whose marriage has been dissolved or annulled, or a member of the Church to enter upon a marriage when either party has a former spouse living except in accordance with the canon.

An amendment was offered and failed which would have added to Section 5 the following:

No member of this Church shall enter into any agreement, written or verbal, whereby the religious instruction of any child or children resulting from the marriage of such member shall be assigned to any other Church.

EXPOSITION OF CANON 17

This will be postponed in order that an exposition of Canons 17 and 18 may be made in one place.

CANON 18

Of Regulations Respecting Holy Matrimony

Apply only
to Church
members

SECTION 1. The provisions of this Canon shall apply only to an active member of this Church in good standing.

Application
to Bishop for
judgment

SEC. 2. (a) Any person, being a member of this Church in good standing, whose marriage has been annulled or dissolved by a civil court of competent jurisdiction may apply to the Bishop or Ecclesiastical Authority of the Diocese or Missionary District in which such person is canonically resident for a judgment as to his or her marital status in the eyes of the Church. And any person, being a member of this Church in good standing, who desires to marry a non-member of this Church whose previous marriage has been dissolved or annulled by a civil court of competent jurisdiction may apply to the Bishop or Ecclesiastical Authority of the Diocese or Missionary District in which he or she is canonically resident, for permission to be married by a Minister of this Church, provided in both cases that the judgment of the civil court has become final and that at least one year shall have elapsed from the date that the decree became final. Such application should be made at least thirty days before a contemplated marriage.

Bishop or
Court to
render
judgment

(b) If the Bishop or Ecclesiastical Authority is satisfied that the parties intend a true Christian marriage he may refer the application to his Council of Advisors, or to the Court if such has been established by diocesan action. The Bishop or Ecclesiastical Authority shall take care that his or its judgment is based upon and conforms to the doctrine of this Church, that marriage is a physical, spiritual, and mystical union of a man and woman created by their mutual consent of heart, mind and will thereto, and is a Holy Estate instituted of God and is in intention lifelong; but when any of the facts set forth in Canon 17, Section 2, Clause (b), are shown to exist or to have existed which manifestly establish that no marriage bond as the same is recognized by this Church exists, the same may be declared by proper authority. No such judgment shall be

construed as reflecting in any way upon the legitimacy of children or the civil validity of the former relationship.

(c) Every judgment rendered under this Canon shall be in writing and shall be made a matter of permanent record in the Archives of the Diocese or Missionary District.

Judgment
to be in
writing
and of
permanent
record

(d) Any person in whose favor a judgment has been granted under the provisions of this Canon may be married by a Minister of this Church, *provided*, that if the marriage is proposed to be solemnized in another jurisdiction than the one in which said judgment has been granted, the said judgment shall have previously been submitted to and approved by the Ecclesiastical Authority of that jurisdiction.

CONVENTION OF 1931

As stated under Canon 17 two new sections were added to the canon then numbered 43 at this Convention, namely Sections 6 and 7, covering the subject of nullity.

The Commission on Marriage and Divorce had reported that all these provisions were already the law of the Church and it is significant that each house began with a canon embracing nullity alone, and then after conference left the adultery canon in force and added nullity.

CONVENTION OF 1937

At this Convention Section 6 was amended by changing clause 2 to read "Lack of free or legal consent," the significance or necessity of the addition of the word "legal" not being plain. It cannot mean that the standards of state courts are sufficient, one of which has held that deceit as to financial conditions nullifies a marriage. (*Schonfeld v Schonfeld*, 260 N. Y. 477) Sexual perversion was added to clause 7 so as to read "Impotence or sexual perversion."

As already stated a new Section 8 was proposed and rejected which would have authorized the bishop of a diocese, but not a missionary bishop, to permit any marriage of a divorced person if in equity and good conscience he chose to do so.

CONVENTION OF 1940

The canon was renumbered Canon 42 and a complete new canon was presented by the commission which has already been discussed.

No action was taken.

CONVENTION OF 1943

The Commission on Holy Matrimony made an elaborate report presenting a new canon, the complicated nature of which was probably the main reason for its rejection.

As already stated two substitutes known as the Wattley and Phister Canons were presented.

As also already stated all that was done at this Convention was to transfer Section 7 to Canon 15 as Sections 3 (a) and (b); make Sections 1-3 Canon 16 and Sections 4-6 Canon 17.

CONVENTION OF 1946

At this Convention the Joint Commission on Holy Matrimony presented a report, the essential features of which were:

1. Removal of divorce for adultery as a ground for allowing marriage of the innocent party.

2. Recognition of nullity as the sole instance in which a party to an earlier pretended marriage might be married.

3. Omission of any specification of impediments.

The resolutions reported by the Joint Commission on Holy Matrimony have been set forth under Canon 17, *supra*, and the manner in which the present Canon 18, save as clarified in 1949, was adopted after amendment of the Commission Canon by a committee of the House of Bishops has been described.

CONVENTION OF 1949

Section 2 (a) was amended to read in its present form, the Committee on Canons of the House of Deputies reporting that in its opinion it was a clarifying amendment.

An amendment of Section 2 (b) was offered, the principal effect of which was to require notice of an applicant to the other party to the pretended marriage and an opportunity to appear and present evidence. The Committee on Canons of the House of Deputies, in which the resolution was offered, reported that in its opinion the proposed amendment was impracticable and cumbersome and asked to be discharged. Its report was adopted.

An amendment of Section 2 (b), lines 12 to 16, was offered in the House of Deputies to read as follows:

... but when any of the facts set forth in Canon 17, Section 2, Clause (b), are shown to exist or to have existed *ab initio* which manifestly establish that no mar-

riage bond as the same is recognized by this Church exists, the same may be declared by competent authority.

This failed on adverse report of the Committee on Canons.

An amendment of Section 2 (b) was adopted by the House of Bishops to read as follows:

Sec. 2 (b) If the Bishop or Ecclesiastical Authority is satisfied as to his or its jurisdiction in the case and as to the good faith of the applicant, and, in the case of an applicant for permission to marry a non-member of this Church, that the parties intend a true Christian marriage, he shall make due inquiry into the facts of the case, and shall give judgment to the petitioner. Before giving judgment he may refer the applicant to a Council of Advisors, or to a Court if such has been established by diocesan action. The Bishop or Ecclesiastical Authority shall take care that in either case his or its judgment shall be based upon and conforms to the doctrine of this Church, that marriage is a physical, spiritual, and mystical union of a man and woman created by their mutual consent of heart, mind and will thereto, and is an Holy Estate instituted of God and is in intention lifelong; but when any of the facts set forth in Canon 17, Section 2 (b) are shown to exist or to have existed, which manifestly establish that no marriage bond as the same is recognized by this Church exists, the same may be declared by proper authority. No such judgment shall be construed as reflecting in any way upon the legitimacy of children or the civil validity of the former relationship.

The Committee on Canons of the House of Deputies suggested a preferable reading as follows:

Sec. 2 (b) If the Bishop or Ecclesiastical Authority is satisfied as to his or its jurisdiction in the case and as to the good faith of the applicant, and, in the case of an applicant for permission to marry a non-member of this Church, that the parties intend a true Christian marriage, he shall make due inquiry into the facts of the case. Before giving judgment, the Bishop or the Ecclesiastical Authority may refer the applicant to a Council of Advisors or to a Court if such has been established by diocesan action. The Bishop or Ecclesiastical Authority shall take care that in either case his or its judgment shall be based upon and conforms to the doctrine of this Church, that marriage is a physical, spiritual, and mystical union of a man and woman created by their mutual consent of heart, mind and will thereto and is an Holy Estate instituted of God and is in intention lifelong. When any of the facts set forth in Canon 17, Sec. 2 (b) are shown to have existed, which manifestly establish that no marriage bond as the same is recognized by this Church exists, or, if in the opinion of the Bishop or Ecclesiastical Authority, the annulment or dissolution of such marriage bond was otherwise justifiable in the eyes of this Church, the Bishop or the Ecclesiastical Authority may give judgment accordingly. No such judgment shall be construed as reflecting in any way upon the legitimacy of children or the civil validity of the former relationship.

This it recommended in place of the amendment contained in the message from the House of Bishops stating:

The Committee believes that the resolution as revised more nearly conforms to the

divergent construction and application of this Section of Canon 18 in the various Dioceses and Missionary Districts since its revision by the General Convention of 1946.

The House did not concur.

Of this proposed amendment the special committee of the House of Bishops on procedure under marriage legislation reported:

Under our present canon no Bishop who holds that only nullity justifies a second marriage need do violence to his conscience; and, on the other hand, a Bishop who holds that causes arising after marriage can dissolve the bond is permitted to give judgment accordingly within the limits of the general causes listed in the previous Canon as impediments. (*Jour. Con. 1949, p. 440*)

The report had already noted an alleged ambiguity in the words "to exist or to have existed," continuing:

But as a matter of fact there is no ambiguity here. The Canon recognizes two points of view as legitimate; one, that if one or more impediments existed before the marriage, no marital bond was created; the other, that if one of the impediments arises after marriage, the marital bond is broken. (*Jour. Con. 1949, p. 439*)

Section 2 (d) was amended to its present form by the addition of the proviso which removes all doubt as to the extra territorial effect of a judgment.

A resolution was offered in the House of Deputies repealing Canon 18 which the author was permitted to withdraw.

A complete revision of both Canons 17 and 18 was offered in the House of Deputies upon the principle of nullity as to which an adverse report of the Committee on Canons was accepted.

Finally, an amendment of Section 2 (a) was offered in the House of Deputies as to which an adverse report of the Committee on Canons was adopted which proposed to insert after the words "provided one year shall have elapsed since the entry of the judgment of said civil court" the words "or provided one year shall have elapsed since an interlocutory decree of said civil court shall have been made, given and entered and which shall have been made final by the entry of a final judgment at the time of application."

EXPOSITION OF CANONS 17 AND 18

Had the canon proposed by the joint commission in 1946 been adopted, it is believed that several difficulties in the administration of the present canon would have been avoided.

The first difficulty arises from an assumption by several bishops of "ecclesiastical power to permit remarriage if, in equity and good conscience, he shall choose to do so." This has led to a condition in some jurisdictions where the sole test is what the diocesan chooses to do according to his conception of equity and the state of his conscience.

Canon law applies to bishops, priests, deacons, and laity.

The second difficulty arises from the words "exist or to have existed" and the enumeration in Canon 17, Sec. 2 (b) of impediments.

The canon proposed by the commission in 1946, although it contained the words "exist or to have existed" in Sec. 2 (ix), did not contain any enumeration of impediments.

Moreover, it provided in Sec. 2 (iii) that "The Bishop or ecclesiastical authority, proceeding then in accordance with the canon law, shall render judgment to the applicant."

As stated in the report of the commission to the Convention of 1931, which proposed a canon recognizing only nullity *ab initio*, such was already the law of the Church.

Then came an effort at recognition of what may for a better name be called latent impediments, the existence of which at the time of marriage would be vouched for by a psychiatrist and which becoming patent in later years might be held to destroy the marriage bond. This failed in 1943 but seems to have succeeded in 1946, at least insofar as some jurisdictions are concerned.⁷

However, we have the report of the special committee of the House of Bishops, *supra*, that the canon is fairly susceptible of two constructions and that is the highest authority yet to speak and may be said to represent the judgment of a majority of the house after several years experience in the administration of the canon. It is neither a legislative nor a judicial determination.

II

WORSHIP

CANON 19

Of the Due Celebration of Sundays

The Lord's
Day to be
observed

All persons within this Church shall celebrate and keep the Lord's Day, commonly called Sunday, by regular participation in the public worship of the Church, by hearing the Word of God read and taught, and by other acts of devotion and works of charity, using all godly and sober conversation.

CONVENTION OF 1789

The first canon on this subject was the fourteenth Canon of 1789, which read as follows:

All manner of persons within this Church shall celebrate and keep the Lord's day, commonly called Sunday, in hearing the Word of God read and taught, in private and public prayer, in other exercises of devotion, and in acts of charity, using all godly and sober exercises.

CONVENTION OF 1808

This canon remained without amendment until 1808, when it was re-enacted with a slight change as follows:

Instead of the words "all manner of persons" at the beginning of the canon, were substituted the words "all persons."

In the revision of the canons by the Convention of 1832, this Canon of 1808 was re-enacted without amendment.

CONVENTION OF 1904

No change was made in this canon until the revision of 1904, when it was amended and re-enacted in its present form.

In the rearrangement of canons at this Convention, this canon was renumbered Canon 18 and upon the division of Canon 17 in 1946 became Canon 19.

It contains no penalty for its violation, is little known among the laity, although merely a codification of ancient law and its moral obligation rests lightly upon the shoulders of the laity.

CANON 20

Of Translations of the Bible

The Lessons at Morning and Evening Prayer shall be read from the translation of the Holy Scriptures, commonly known as the King James or Authorized Version (which is the Standard Bible of this Church), together with the Marginal Readings authorized for use by the General Convention of 1901; or from one of the three translations known as Revised Versions, including the English Revision of 1881, the American Revision of 1901, and the Revised Standard Version of 1952.

Versions
authorized
to be read
in Church

This canon, which in 1922 was Canon 45, was renumbered Canon 43 in 1931, Canon 44 in 1940, and Canon 19 in 1943.

CONVENTION OF 1817

The first action taken by General Convention to provide for a Standard Bible was in 1817. On the last day of the session of that year, the House of Deputies adopted the following resolution and sent it to the House of Bishops:

Resolved, That the Right Rev. the House of Bishops be respectfully requested to designate and establish some specific edition of the Old and New Testaments, without note or comment, to be considered as the authentic version or standard by which the genuineness of all copies of the Holy Scriptures used by the members of this Church, is to be ascertained; thereby, to secure them against perversions, and the people of our communion from error, either in discipline or doctrine.

In reply to this communication, the House of Bishops adopted the following resolution, and ordered it sent to the House of Deputies:

The House of Bishops, deeming the fulfillment of the request of the House of Clerical and Lay Deputies, on the subject of an authentic version of the Holy Bible, a matter requiring very serious attention and deliberation, have resolved that its members will give such attention and deliberation to the subject, previously to the next meeting of the General Convention, and report at the said meeting. (*Perry's Reprint of Journals of Con.*, p. 483)

Bishop White, in his *Memoirs* (p. 310), relates that "The proposal for the adopting of a standard edition of the Bible, was in consequence of the discovery of a large edition, extending very widely a corruption of Acts 6, 3, by perverting it to a sanction of congregational ordination. Instead of 'whom *we* may appoint over this business,' which is the exact translation of the original, the edition has it 'whom *ye* may appoint over this business.' While the matter was before the house of clerical and lay deputies, a lay member standing in a pew, and observing a Bible, took it to turn to the place in question; when he perceived it to be a copy of the edition, in which the corruption had been detected."

CONVENTION OF 1820

In the Convention of 1820, the House of Bishops reported that in England the printing of the Bible is the privilege of persons specially confided in, and subject to heavy penalties in case of non-performance of their trust, and that therefore the English editions of the Bible might be considered as generally correct. Two editions by Eyre and Strahan were spoken of as the most perfect, and might be safely trusted as standards. The bishops, however, cautioned against other editions in England, issued by evasion of the law, and appending a few notes in the lower margin under the pretense of commentaries, which were said to be very corrupt. The bishops declared that their report was not as full as was desirable, and they, therefore, proposed the following resolution:

Resolved, That the House of Clerical and Lay Deputies appoint a Committee of their body, who, together with the presiding Bishop of the House of Bishops and the Bishops of this Church in New York, Maryland and New Jersey, shall in the recess of the Convention take such measures as they may find suitable for the establishment of a standard, according to which all copies of the Scriptures to be recommended to the use of the members of this Church shall be printed. (*Perry's Reprint of Journals of Con.*, Vol. I, pp. 559, 560)

This resolution was concurred in by the House of Deputies.

CONVENTION OF 1823

The joint committee appointed by the previous Convention reported to the Convention of 1823, as follows:

The Joint Committee of the two Houses of Convention, appointed by the last triennial Convention for reporting a standard copy of the Bible, having taken under consideration certain testimonies borne to two editions of Eyre & Strahan, published in the years 1806 and 1812, report that the said editions are believed by them to

be the most perfect of all, concerning which intelligence has been obtained by them. Accordingly they recommend the adoption of the latter of these editions as the standard. We believe it to be the same of which some copies have been imported by S. Potter, bookseller, and are now for sale by him, the title page of which bears the date of 1813. (*Perry's Reprint of Journals of Con.*, Vol. II, p. 95)

This report was adopted by both houses of Convention, which then enacted the following canon, as Canon 2.

The Bishop of this Church, in any State or Diocese, or where there is no Bishop, the Standing Committee, is authorized to appoint, from time to time, some suitable person or persons, to compare and correct all new editions of the Bible by the standard edition agreed upon by the General Convention. And a certificate of their having been so compared and corrected shall be published with said book.

The Convention also ordered the following resolution to accompany this canon:

Resolved, by the two Houses of Convention, that it be recommended to every future Convention to appoint a joint committee, to whom there may be communicated all errors, if any, in editions of the Bible printed under the operation of the second Canon of this Convention; such errors to be notified on the Journal of the Convention to which they may at any time be presented by the joint committee.

Previous to this action of the Convention there had been no authorized standard of the Bible, although an edition printed by Baskett had been considered as a standard edition. Many of our churches had been presented with copies of this edition before the Revolution, some of which are carefully preserved to this day.

CONVENTION OF 1832

In the revision of the Digest of Canons by the Convention of 1832, this canon was re-enacted without change as Canon 44, and accompanied by the same resolution as the Canon of 1823.

CONVENTION OF 1859

In the revision of the Digest of Canons by the Convention of 1859, this canon was made Title I, Canon 16, with no amendment, except that the word "State" in the first line was stricken out. The resolution of General Convention which accompanied the two former canons was omitted.

No amendment to this canon was made until the Convention of 1910, except that in 1874 the canon was renumbered as Canon 18, and in the revision of the canons by the Convention of 1904, it was made Canon 40.

CONVENTION OF 1892

A joint committee was appointed by the Convention of 1892 to "consider, and after communication with the Commission recently appointed by the Convocation of Canterbury, report to the next triennial session of the General Convention, which, if any, of the proposed amendments in the Revised Version of the translation of the Old and New Testaments, might properly be authorized by the General Convention as marginal readings."

CONVENTION OF 1895

This committee reported to the General Convention of 1895 that the action of the General Convention had been based upon a misapprehension, and that no commission of the Convocation of Canterbury had been appointed for the purpose stated. The committee then asked to be discharged from further consideration of the subject.

This committee having been discharged, a joint commission was appointed by the Convention of 1895 to report to the next General Convention, what, if any, marginal readings, for the English Version of the Old and New Testaments, the General Convention may authorize for the instruction of our people.

CONVENTION OF 1898

The commission was continued by the Convention of 1898 and directed to report to the next Convention.

CONVENTION OF 1901

This commission reported to the Convention of 1901 that they "had performed the duty assigned them, and offer herewith such marginal readings as in their judgment it would be well for the General Convention to authorize for permissive use in the public reading of the Scriptures, that the people may have larger and more accurate knowledge of the Word of God." The commission also offered a resolution that the marginal readings reported by them be authorized for use by the General Convention.

The House of Deputies and the House of Bishops, having adopted different resolutions on the subject, a Conference Committee was appointed which agreed upon the following resolution, which was adopted by the House of Deputies and concurred in by the House of Bishops:

Resolved, the House of Bishops concurring, That the report of the Marginal Readings Commission be accepted, and the readings therein recommended be adopted which are taken from the margin of the King James' Version or from the English or American Revised Versions with their margins; and that the Commission be allowed before printing the readings to substitute for those not taken from one or other of these sources others taken unchanged therefrom.

A similar resolution was adopted concerning the marginal readings for the English version of the Apocrypha.

The Convention also adopted the following resolutions:

Resolved, That the Joint Commission on Marginal Readings be continued.

Resolved, That the Commission have power to publish an edition or editions of the Bible containing the readings which have been or shall be allowed by this Convention, provided the same be done without expense to the Convention.

Resolved, That these readings be printed on the margin of the Bible.

Resolved, That if the Commission find it impracticable to publish such an edition of the Bible, they be directed to publish the readings which have been allowed by this Convention in a separate volume, copies of which shall be sent to every Clergyman of this Church, provided that the expense shall not exceed \$500.

By this action of the General Convention, the use of the marginal readings was allowed in the reading of the lessons in Morning and Evening Prayer.

In this same Convention several questions regarding different versions of the Bible and their relation to the Book of Common Prayer, were referred to the Committee on the Prayer Book in the House of Deputies.

This committee reported thereon, in part, as follows:

"Your Committee is of the opinion that the Readings from Holy Scripture appointed in the Table of Lessons to be used in public worship, are not a part of the Book of Common Prayer in the sense that a constitutional revision of the Prayer Book is necessary in order to change or amend the text of such readings."

A special committee appointed by the preceding Convention to prepare and propose an amendment to the Constitution touching a standard Bible, asked to be continued, to report at the next Convention. This request, made to the House of Deputies, was granted.

CONVENTION OF 1904

This special committee made an extended report to the Convention of 1904, reviewing the actions of the Conventions of 1808 and 1823,

in adopting the Canon Of Publishing of Authorized Editions of the Standard Bible of this Church, and proposing an amendment to the Constitution providing for a Standard Bible of the Church. This proposed amendment was referred to the Committee on Amendments to the Constitution in the House of Deputies. This committee reported a proposed amendment to the Constitution in a different form from that recommended by the special committee, which amendment was referred back to the committee to report to the next General Convention.

CONVENTION OF 1907

Memorials from several dioceses for the permissive use of the Revised Version of Holy Scripture were referred to the Committee on Amendments to the Constitution in the House of Deputies, which were considered by the committee in connection with their report to the preceding Convention, and referred back to them to report at this Convention.

The committee made an exhaustive report, covering action on the subject by former conventions, and pointing out the mistake that had been made in adopting a particular edition of the Bible for a standard, rather than a version. The committee reported as its unanimous conclusion, that the standard Bible should be the translation of the sacred Scriptures known as the King James or Authorized Version. In regard to the King James Version, the committee stated, "Your Committee feels persuaded that any attempt to remove this Bible by canonical enactment from the lecterns of our Churches would be resented by the vast majority of our people who have learned to love its cadences and are far from being offended at its archaisms.

"At the same time, your Committee cannot but acknowledge the prevalence and persistency of the demand for some recognition on the part of the General Convention of that great monument of modern Biblical scholarship, the Revised Version."

The committee recommended, first, that the King James Version be recognized as the permanent standard Bible of the Church, and second, that the marginal readings be extended to include all such readings of both the English and the American Revised Versions, as may from time to time be authorized by canon.

The committee also paid its respects to Canon 40, Of the Standard Bible, as follows:

"The language of it comes as near to being meaningless as it well

can. It enjoins what is impossible, and takes for granted things which do not exist. Whatever else is done or left undone, this unintelligent and unintelligible Canon should be expunged, for it is a discredit to the legislation of the Church."

The committee recommended the adoption of an amendment to the Constitution, making the King James or Authorized Version of Holy Scriptures the standard Bible of the Church, and also the permissive use of the Revised Version, both in its English and American form, by the minister, at his discretion in the reading of the Lessons at Morning and Evening Prayer.

The committee also offered a resolution that Canon 40 be repealed. This resolution was referred to the Committee on Canons.

The House of Deputies adopted the amendment to the Constitution proposed by the Committee on Amendments to the Constitution, slightly amended, but the House of Bishops refused to concur therein.

The Committee on Canons to which the resolution to repeal Canon 40 was referred reported an amended canon in place thereof. This report of the committee failed of adoption.

The House of Deputies adopted a resolution repealing Canon 40, but no action was taken by the House of Bishops in the matter.

CONVENTION OF 1910

The House of Bishops, in the Convention of 1910, adopted a new canon as a substitute for Canon 40, Of the Translation of the Bible, reading as follows:

The Lessons at Morning and Evening Prayer shall be read from the translation of the Holy Scriptures, commonly known as the King James or Authorized Version, including the Marginal Readings authorized for use by the General Convention of 1901, or from the translation commonly known as the Revised Version, either in its English or its American form.

The House of Deputies concurred in the adoption of this canon with the following amendment: "Insert after the words 'Authorized Version' in the third line thereof, the words, 'which is the Standard Bible of this Church.'"

The House of Bishops concurred in this amendment.

Thus ended the attempts made in Convention after Convention to secure the consent of the General Convention to the permissive use of the Revised Version of the Holy Scriptures in the reading of the lessons in Morning and Evening Prayer.

A similar canon would probably have been adopted in a previous Convention but for a question asked during the debate on the subject in the House of Deputies. A deputy, in making an earnest plea for the permissive use of the Revised Version, stated that its use was only permissive, that no minister would be obliged to use the Revised Version. Immediately, another deputy asked how about the laity? Will their hearing of it be permissive if the minister chooses to read from the Revised Version? The first deputy was unable to satisfactorily answer that question, and sat down in confusion, and the laity voted against the adoption of the canon.

CONVENTION OF 1946

At this Convention the canon read as follows:

OF TRANSLATIONS OF THE BIBLE

The Lessons at Morning and Evening Prayer shall be read from the translation of the Holy Scriptures, commonly known as the King James or Authorized Version (which is the Standard Bible of this Church), including the Marginal Readings authorized for use by the General Convention of 1901, or from the translation commonly known as the Revised Version, either in its English or American form.

The Liturgical Commission recommended adding the words "including the Revised Standard Version of the New Testament of 1946."

The Canon was amended by the inclusion of the additional revisions and renumbered Canon 20.

CONVENTION OF 1952

At this Convention the canon was corrected and brought up to date by substituting the words "of 1952" for the words "of the New Testament of 1946," the Revised Standard Version of the Bible having been completed.

The canon seems so plain in its provisions that no exposition is necessary.

CANON 21

Of the Standard Book of Common Prayer

What the
Standard is

SECTION 1. The copy of the Book of Common Prayer and Administration of the Sacraments and other Rites and Ceremonies of the Church, according to the Use of the Protes-

tant Episcopal Church in the United States of America, together with the Psalter or Psalms of David, the Form of Making, Ordaining, and Consecrating Bishops, Priests and Deacons, the Form of Consecration of a Church or Chapel, and an Office of Institution of Ministers, and Articles of Religion, accepted by the General Convention of this Church, in the year of our Lord, 1928, and authenticated by the signatures of the Presiding Officers and Secretaries of the two Houses of the General Convention, is hereby declared to be the Standard Book of Common Prayer of this Church.

SEC. 2. All copies of the Book of Common Prayer to be hereafter made and published shall conform to this Standard, and shall agree therewith in paging, and, as far as it is possible, in all other matters of typographical arrangement, except that the Rubrics may be printed either in red or black, and that page numbers shall be set against the several headings in the Table of Contents. The requirement of uniformity in paging shall apply to the entire book but shall not extend to editions smaller than those known as 32mo, or to editions noted for music.

All copies
to conform
to it

SEC. 3. In case any typographical inaccuracy shall be found in the Standard Book of Common Prayer, its correction may be ordered by a joint resolution of any General Convention, and notice of such corrections shall be communicated by the Custodian to the Ecclesiastical Authority of each Diocese of this Church, and to actual publishers of the Book of Common Prayer.

How
inaccuracies
may be
corrected

SEC. 4. Folio copies of the Standard Book of Common Prayer, duly authenticated, as in the case of the Standard Book, shall be sent to the Ecclesiastical Authority of each Diocese and Missionary District in trust for the use thereof, and for reference and appeal in questions as to the authorized formularies of this Church.

Copies of
Standard to
be sent to
Dioceses

SEC. 5. No copy, translation or edition of the Book of Common Prayer, or a part or parts thereof, shall be made, printed, published or used as of authority in this Church,

All editions
must be
authorized

unless it contains the authorization of the Custodian of the Standard Book of Common Prayer, certifying that he or some person appointed by him, has compared the said copy, translation or edition with the said Standard, or a certified copy thereof, and that it conforms thereto. And no copy, translation or edition of the Book of Common Prayer, or a part or parts thereof, shall be made, printed, published, or used as of authority in this Church, or certified as aforesaid, which contains or is bound up with any alterations or additions thereto, or with any other matter, except the Holy Scriptures or the authorized Hymnal of this Church.

Appointment
of Custodian

SEC. 6. The appointment of the Custodian of the Standard Book of Common Prayer shall be made by a nomination of the House of Bishops, confirmed by the House of Deputies. He shall hold office until his successor is appointed, and any vacancy occurring during the recess of the General Convention may be provisionally filled by the appointment of the Presiding Bishop.

Action on
unauthorized
editions

SEC. 7. It shall be the duty of the Ecclesiastical Authority of any Diocese or Missionary District in which any unauthorized edition of the Book of Common Prayer, or any part or parts thereof, shall be published or circulated, to give public notice that the said edition is not of authority in this Church.

CONVENTION OF 1789

The first Canon of the General Convention relating to the Book of Common Prayer was the tenth canon of 1789, Of the Use of the Book of Common Prayer, which read as follows:

Every minister shall, before all sermons and lectures, use the Book of Common Prayer, as the same shall be set forth and established by the authority of this or some future General Convention; and until such establishment of a uniform Book of Common Prayer in this Church, every minister shall read the Book of Common Prayer directed to be used by the Convention of the Church in the State in which he resides; and no other prayer shall be used besides those contained in the said book.

While this canon remained as the law on the subject until 1808, that portion of the canon prescribing the use of the Book of Common

Prayer directed to be used by the convention of a state, until the establishment of a uniform Book of Common Prayer by the General Convention, was inoperative after the establishment of the present Book of Common Prayer, and its use directed from and after the first day of October, 1790.

CONVENTION OF 1801

The Convention of this year enacted Canon 3, establishing a Standard Book of Common Prayer, and "Prescribing the mode of publishing authorized editions of the Common Prayer Book, etc." as follows:

The Bishop of this Church, in any State, or where there is no Bishop, the standing committee are authorized to appoint, from time to time, some suitable person or persons to compare and correct all new editions of the Common Prayer Book, Book of Offices, etc., by some standard book, and a certificate of their having been so compared and corrected shall be published with said books. And in case any edition shall be published without such correction, it shall be the duty of the Bishop, or where there is no Bishop, of the standing committee, to give public notice that such edition is not authorized by the Church. The Bishop of this Church in Pennsylvania is hereby authorized to set forth an edition of the Articles of religion, which, when published, shall be the standard copy. The octavo edition of the Common Prayer Book, published in New York in 1793, by Hugh Gaine, and the quarto edition of the Book of Offices, etc., of the same year, published in the same place, are hereby established as standard books, with the exception of errors evidently typographical—the correction of which errors is confided to such persons as the Bishop or standing committee may appoint for superintending any publication.

This canon was the origin of our present canon, Of the Standard Book of Common Prayer. While there is no present canon answering to the Canon 10 of 1789, Of the Use of the Book of Common Prayer, it seemed advisable to consider the two canons together as they relate to the same subject.

. CONVENTION OF 1808

In the revision of the canons by the Convention of 1808, Canon 10 of 1789, Of the Use of the Book of Common Prayer, was made Canon 34, and amended to read as follows:

Every minister shall, before all sermons and lectures, and on all other occasions of public worship, use the Book of Common Prayer, as the same is or may be established by the authority of the General Convention of this Church. And in performing said service, no other prayer shall be used than those prescribed by the said book.

The only change made in the canon was the striking out that portion thereof relating to the use of a Book of Common Prayer before the establishment of a uniform book by the General Convention.

In the same Convention, Canon 3 of 1801, prescribing a Standard Book of Common Prayer, and the mode of publishing authorized editions thereof, was amended by adding after the word "State" in the first line, the words "or diocese." Also, the third sentence, beginning with the words, "The Bishop of this Church in Pennsylvania" was amended to read, "The edition of the Articles of Religion, set forth by the Bishop of Pennsylvania, agreeably to the order of the Convention of 1804, shall be the standard copy."

This canon was made Canon 43 of that year.

CONVENTION OF 1821

The only canon passed by the Convention of that year on this subject was as follows:

The edition of the Book of Common Prayer to be chosen by the committee appointed by this Convention, and authenticated by their certificate, shall, after the publication thereof, be taken and received as the standard, with which all new editions are thereafter to be compared, for the purpose of correction, agreeably to the forty-third Canon; and so much of the said canon as establishes another standard of the Book of Common Prayer, shall thereafter be, and remain repealed.

CONVENTION OF 1832

In the revision of the canons by this Convention, the Canon of 1821 was repealed, and the Canon 43 of 1808 was made Canon 46, and amended as follows:

The first two sentences of the former canon remained the same, except that the words "State or" in the first line were stricken out, and in place of the words, "Book of Offices, etc.," were inserted the words, "The Articles, Offices, and Metre Psalms and Hymns."

The remainder of the canon beginning with the words "The Bishop of this Church" were stricken out and a new section, numbered 2, was added, reading as follows:

Sec. 2. The duodecimo edition of the Common Prayer Book, Articles, Offices, Metre Psalms and Hymns, published by the New York Protestant Episcopal Press in 1832, is hereby established as the standard, with the exception of errors evidently typographical; the correction of which errors is confided to such person or persons, as the Bishop or Standing Committee may appoint for superintending any publication.

The following resolution was ordered by the General Convention to accompany this canon.

Resolved, That the French translation of the Book of Common Prayer, and the Articles of Religion, printed in New York, by T. & J. Swords, in the year 1831, be, and the same hereby is declared to be the Liturgy, which may be used by any minister of this Church, who may officiate in a congregation to whom the French language is familiar; and that the edition of the Book of Common Prayer, in the French language, printed in 1831, by the Messrs. T. & J. Swords, of New York, be, and the same hereby is, established as the standard book, whereby all future editions of the Book of Common Prayer and Articles, in the French language, shall be compared and corrected.

Resolved, That the provisions of the forty-sixth of the Canons, passed by this Convention, except as far as the said Canon establishes standard books, shall be applied to the publication of all future editions of the Book of Common Prayer and Articles in the French language.

These resolutions were occasioned by the fact that there was a Church composed of French Protestants, who had been admitted into union with the Church, and which used the liturgy of the Church translated into French. To insure that the French liturgy should always conform to the liturgy of the Church, these resolutions were adopted.

Canon 34, Of the use of the Book of Common Prayer, was made Canon 45, and without amendment.

This canon remained without amendment until the Convention of 1874.

CONVENTION OF 1835

Canon 46, Of the Mode of Publishing Authorized Editions of the Book of Common Prayer, etc., was amended as follows:

The first sentence of Section 1 was changed to read:

Sec. 1. The Bishop of this Church in any Diocese, or where there is no Bishop, the Standing Committee thereof, shall appoint one or more Presbyters of the Diocese, who shall compare and correct all new editions of the Common Prayer Book, the Articles, Offices, and Metre Psalms and Hymns, by some standard book; and a certificate of said editions, having been so compared and corrected, shall be published with the same. And in case any edition shall be published without such correction, it shall be the duty of the Bishop, or, where there is no Bishop, of the Standing Committee, to give public notice that such edition is not authorized by the Church.

CONVENTION OF 1838

This Convention amended Section 2 of Canon 46 to read as follows:

Sec. 2. Editions from the Stereotype Plates of the Prayer Book of the Female Episcopal Prayer Book Society, of Philadelphia, comprising the Common Prayer Book, the Articles, Offices, Psalms in Metre, selected from the Psalms of David, and Hymns, are hereby established as the standard; together with the whole Book of

Psalms in metre, in the duodecimo edition, published by the New York Episcopal Press of 1832: with the exception of errors evidently typographical: the correction of which errors is confided to such person or persons as the Bishop or Standing Committee may appoint for superintending any publication.

A third section repeals the Canon 6 of 1835.

CONVENTION OF 1844

The joint committee of the two houses, appointed by the previous Convention, to whom was referred the Standard Edition of the Prayer Book, for the correction of typographical errors, etc., and instructed to report to the Convention of 1844 the result of their labors, and recommend some edition for adoption as the Standard Prayer Book of the Church, reported a series of joint resolutions establishing a certain edition as the standard. The fifth of these resolutions as amended by the Convention was as follows:

Resolved, That with the above amendments the Book reported by the Joint Committee of the last Convention on the subject of a Standard Prayer Book, be and the same hereby is adopted as the Standard Prayer Book of this Church; and that the said Joint Committee be continued, with the addition thereto of the Rev. Jonathan M. Wainwright, D.D., for the purpose of amending the said Book accordingly, and with power to set it forth, when thus amended, under their hands, as the Standard Prayer Book of this Church.

This resolution practically repealed Section 2 of Canon 9, of 1838.

CONVENTION OF 1847

The Convention of 1847 repealed Section 2 of Canon 9, of 1838, and enacted the following in its place:

Sec. 2. The octavo edition of the Book of Common Prayer, the Articles, Offices, Metre Psalms and Hymns, set forth by the General Convention of 1844, and published by the New York Bible and Common Prayer Book Society, and by Harper & Brothers in 1845, is hereby declared to be the Standard edition.

CONVENTION OF 1859

In the revision of the canons by this Convention, Canon 7 of 1847 was renumbered as Title I, Canon 17, but without amendment.

CONVENTION OF 1871

The joint committee of the two houses of Convention appointed by the previous Convention to examine the stereotyped plates of the

Standard Prayer Book and correct manifest typographical errors therein, reported to the Convention of 1871 a proposed amendment to Section 2 of Title I, Canon 17, as follows:

Sec. 2. (i) The octavo edition of the Book of Common Prayer, Administration of the Sacraments, and other Rites and Ceremonies of the Church, Articles of Religion, and the Form and Manner of Making, Ordaining, and Consecrating Bishops, Priests, and Deacons, set forth by the General Convention, in the year of our Lord 1871, and published by the New York Bible and Common Prayer Book Society, is hereby declared to be the standard edition.

(ii) The stereotyped plates of the said edition shall be in the custody of a Presbyter appointed by the General Convention, and no alteration, correction, or emendation of any sort in the said plates shall be made except under the direction of the said custodian, acting with the advice and consent of a Joint Committee, appointed by the General Convention, consisting of two Bishops and two Presbyters; and all alterations, corrections, and emendations thus made shall be reported by the said custodian, in writing, to the next General Convention, and entered upon the Journal of the House of Deputies.

A large part of the session of this Convention was consumed in the discussion of matters of ritual.

The subject was first brought to the attention of the Convention of 1868, by sundry memorials calling attention to "deviations from the prescribed ritual of the Church" and praying the Convention to enact canons "to establish and enforce uniformity in Divine Worship in all our Churches."

A proposed canon to accomplish the desire of the memorialists was introduced in the House of Deputies and referred to the Committee on Canons. This committee presented a majority report that "the enactment of any Canon on the subject of Ritual would be unwise and inexpedient at the present time." A minority of the committee offered a series of resolutions for adoption by the Convention, expressing disapproval of certain practices in the conduct of the public worship of the Church.

The House of Deputies adopted a series of resolutions, requesting the bishops "to set forth for consideration and adoption by the next General Convention such additional rubrics on the Book of Common Prayer as in their judgment may be deemed necessary."

The House of Bishops returned answer, "this House deems it unadvisable to enter upon any alteration of the rubrics of our Book of Common Prayer by the insertion of additional matter, but it will appoint a Committee whose duty it shall be to consider whether any

additional provision for uniformity by canon or otherwise, is practicable and expedient, and to report to the next Convention."

The House of Bishops appointed a committee of five bishops on Ritual Uniformity.

This committee made an extended report to the Convention of 1871 recommending that certain acts in the administration of the Holy Communion, and other occasions of public worship, be prohibited by canon. The acts which the committee recommended to be prohibited were as follows:

1. The use of incense.
2. Placing or retaining a crucifix in any part of the church.
3. Carrying a cross in procession in the church.
4. The use of lights on or about the holy table, except when necessary.
5. The elevation of the elements in the Holy Communion in such manner as to expose them to the view of the people as objects toward which adoration is to be made, in or after the prayer of consecration, or in the act of administering them, or in conveying them to or from the communicants.
6. The mixing of water with the wine as part of the service, or in presence of the congregation.
7. The washing of the priest's hands, or the ablution of the vessels, in the presence of the congregation.
8. Bowings, crossings, genuflections, prostrations, reverences, bowing down upon or kissing the holy table, and kneeling except as allowed, provided for, or directed, by rubric or canon; it being provided that reverence at the mention of the name of the Lord Jesus is not intended to be disallowed; and it being further provided that private personal devotion, before or after official ministration, is not to be understood to include or justify any of the acts prohibited.
9. The celebrating or receiving of the Holy Communion by any bishop or priest when no person receives with him.
10. Employing or permitting any person or persons not in Holy Orders to assist the minister in any part of the order for the administration of the Holy Communion.
11. Using, at any administration of the Holy Communion, any prayers, collects, gospels, or epistles, other than those provided in

the Book of Common Prayer, or under Sec. 14 of Canon 13 of Title I of the Digest.

They further recommend here:

1. That no rector of a parish or other minister shall be allowed to introduce the choral service without the consenting vote of the vestry, or contrary to the prohibition of the bishop.

2. That no surpliced choir shall be employed except under the same limitations; and when such choirs are employed, the only addition to their ordinary attire shall be a surplice reaching to the ankles.

3. That no chancel shall be allowed to be so arranged as to prevent the minister from officiating at the right end of the holy table. It is to be noted that a credence table is lawful.

The committee further recommend that canonical provision be made touching the dress appropriate to clergymen ministering in the congregation; and that the only vestments declared to be appropriate to clergymen so ministering be:

1. For bishops: the present episcopal robes.

2. For all ministers: a white surplice; a black or white stole; a black cassock not reaching below the ankles; a black gown; and bands.

They also recommend that provision be made:

1. That on occasions of services, where expediency or necessity of health may require it, the university cap may be used.

2. That candidates for orders, who are licensed to act as lay readers, may use the academical black gown.

The committee concluded its report by recommending "That a Joint Committee consisting of three Bishops, three Presbyters, and three Laymen be appointed, to whom the subject matter of this Report shall be referred, with directions to report to this Convention, at as early a day as practical, such canons as they may deem necessary in the premises."

The House of Bishops adopted a resolution informing the House of Deputies that owing to the "gravity of the subject and its bearings," that House was not prepared to act upon the report of the Committee on Ritual, without previous consideration of the same by a joint committee of the two houses, and proposed to the House of Deputies that a joint committee be appointed to consider the report, and report what, if any, action be taken in the matter.

After long debate and the defeat of many other proposals in the matter, the House of Deputies finally voted to concur in the Message of the House of Bishops, and appoint members of such joint committee.

This joint committee offered a proposed Canon on Ritual, the principal points of which were as follows:

“This Church recognizes no other law of Ritual than such as it shall have itself accepted or provided.”

Then follows the provisions for ritual in the Church.

“1. The Book of Common Prayer, with the offices and Ordinal thereto appended, as adopted to the use of this Church by additions, omissions, or other alterations from time to time constitutionally made.

2. The Canons of the Church of England in use in the American Provinces before the year 1789, and not subsequently superseded, altered or repealed by legislation, general, or Diocesan, of this Church.

3. The Canonical or other regular legislative or judicial action or decisions of this Church, in its Conventions, General or Diocesan, or by its duly constituted authorities.”

The third section provided that all questions arising concerning ritual observance and the administration of the law of ritual appertained to the office and duty of the Ordinary, whose written official determination was to be held as the settlement of all questions in the matter with the proviso, that cases of contradictory determinations by different bishops should be subject to revision by the House of Bishops.

The joint committee also adopted the following resolutions:

Resolved, That a Joint Committee of three of each Order be appointed to examine the Canons of the Church of England, of 1603, and report to the next General Convention what portions were in use in the American Provinces in the year 1789, and how far the same have been modified by repeal, or alteration, or other mode by action of this Church, in its Conventions, General or Diocesan, and whether any portion requires modification or repeal.

The House of Bishops adopted the proposed canon with the accompanying resolution, by a small majority.

In the House of Deputies, debate on the proposed canon occupied the attention of the House for the greater part of the session. Amendments and substitutes were offered in great numbers, but all of them were defeated. Finally, on the nineteenth day of the session, the main question of concurrence with the House of Bishops in the adoption

of the proposed canon came to a vote. The laity voted in favor of concurrence by a majority of two. In the Clerical Order, 20 dioceses voted in favor of concurrence, 13 voted in the negative, and 7 were divided. Thus, a concurrence with the House of Bishops in the adoption of the proposed canon failed in the House of Deputies by a nonconcurrence of orders.

On the following day, the House of Bishops adopted another canon on the subject of ritual, in which certain acts were forbidden, viz.: Elevation of the elements in the Holy Communion for purposes of adoration, any gesture, posture, or act implying such adoration; and the celebration or reception of the Holy Communion by any bishop or priest, when no person receives with him, likewise the use, at the administration of the Holy Communion, of any hymns, prayers, collects, epistles, or gospels, other than those appointed in the authorized formularies of the Church, or under the canons.

The House of Deputies refused to concur in the adoption of this canon, but adopted the following resolutions which were concurred in by the House of Bishops:

Resolved, The House of Bishops concurring, That this Convention hereby expresses its decided condemnation of all ceremonies, observances, and practices which are fitted to express a doctrine foreign to that set forth in the authorized standards of this Church.

Resolved, That in the judgment of this House the paternal counsel and advice of the Right Reverend Fathers, the Bishops of the Church, is deemed sufficient at this time to secure the suppression of all that is irregular and unseemly, and to promote greater uniformity in conducting the public worship of this Church, and in the administration of the Sacraments.

In response to the suggestion contained in the second of these resolutions, the House of Bishops drew up a pastoral letter strongly condemning what was known as "Eucharistic Adoration," which was read to both houses of Convention at the closing service of the Convention.

CONVENTION OF 1874

The resolution passed by the Convention of 1871, and the pastoral letter of the House of Bishops having failed, in the opinion of many, to check and suppress the ritual practices complained of, several memorials were presented to the Convention of 1874, praying for some canonical action in the matter. These memorials, together with certain proposed canons on the subject were referred to the Committee on Canons in the House of Deputies, which committee later rec-

ommended to the House for adoption, an amendment to Title I, Canon 20, Of the Use of the Book of Common Prayer, governing certain so-called ritual practices. This amendment to the canon, after an extended debate, was passed by the House of Deputies by a large majority, and concurred in by the House of Bishops, but with certain amendments. The House of Deputies refused to concur in these amendments, and the proposed amendment to Canon 20, with the amendments thereto adopted by the House of Bishops, were referred to a Committee of Conference, which committee reported the following amended section to the said canon:

Sec. 2. (i) If any Bishop has reason to believe, or if complaint be made to him in writing by two or more of his Presbyters, that within his jurisdiction ceremonies or practices not ordained or authorized in the Book of Common Prayer, and setting forth or symbolizing erroneous or doubtful doctrines, have been introduced by any Minister during the celebration of the Holy Communion (such as,

- a. The elevation of the Elements in the Holy Communion in such manner as to expose them to the view of the people as objects toward which adoration is to be made.
- b. Any act of adoration of or toward the Elements in the Holy Communion, such as bowings, prostrations, or genuflections; and
- c. All other like acts not authorized by the Rubrics of the Book of Common Prayer):

It shall be the duty of such Bishop to summon the Standing Committee as his Council of Advice, and with them to investigate the matter.

(ii) If, after investigation, it shall appear to the Bishop and Standing Committee that ceremonies or practices not ordained or authorized as aforesaid, and setting forth or symbolizing erroneous or doubtful doctrines, have in fact been introduced as aforesaid, it shall be the duty of the Bishop, by instrument of writing under his hand, to admonish the Minister so offending to discontinue such practices or ceremonies; and if the Minister shall disregard such admonition, it shall be the duty of the Standing Committee to cause him to be tried for a breach of his ordination vow.

Provided, That nothing herein contained shall prevent the presentment, trial, and punishment of any Minister under the provisions of Sec. 1, Canon 2, Title II, of the Digest.

(iii) In all investigations under the provisions of this Canon, the Minister whose acts or practices are the subject matter of the investigation, shall be notified, and have opportunity to be heard in his defense. The charges preferred, and the findings of the Bishop and Standing Committee, shall be in writing, and a record shall be kept of the proceedings in the case.

This amendment to Canon 20 was adopted by the House of Deputies, and its action was concurred in by the House of Bishops.

CONVENTION OF 1886

Canon 19, Of Publishing Editions of the Book of Common Prayer, was amended by the Convention of 1886, by the addition thereto of three new sections, reading as follows:

Sec. 3. Promptly after the adjournment of the General Convention, the Secretaries of the two Houses shall deliver to the Custodian of the Standard Prayer Book true and exact copies of all alterations and additions in the Book of Common Prayer, already adopted by the General Convention under Article VIII of the Constitution; and such copies shall be duly certified by said Secretaries, and be attested by the Presiding Officers of the respective Houses, and shall be preserved by the Custodian of the Standard Prayer Book; and the Secretary of the House of Deputies shall take out a copyright of said alterations and additions according to law.

Sec. 4. Until a Standard Book of Common Prayer shall hereafter be duly set forth and established by the General Convention, all issues or editions of the Book of Common Prayer shall contain, as an appendix to each volume published, a certificate to be prepared and signed by the Custodian of the Standard Prayer Book aforesaid, and approved by the Presiding Bishop and two other Bishops, showing what alterations and additions in the Book of Common Prayer the General Convention of 1886 adopted, and their effect upon the structure of the Book of Common Prayer as it was before such alterations and additions were adopted. And it shall not be lawful for any Bishop, or other officer in any Diocese, to attest any issue or edition of the Book of Common Prayer to be hereafter published, unless the same shall contain the certificate of the Custodian, approved by the Bishops as aforesaid.

Sec. 5. This Canon shall take effect immediately.

CONVENTION OF 1889

The General Convention of 1889 amended Sections 3 and 4 of this canon. Section 3 was amended to read as follows:

Sec. 3. Upon the adjournment of any General Convention, the Secretaries of the two Houses shall deliver to the Custodian of the Standard Prayer Book true and exact copies of all alterations and additions in the Book of Common Prayer, which have been adopted by the said General Convention in accordance with Article VIII of the Constitution; and such copies duly certified by said Secretaries, and attested by the Presiding Officers of the respective Houses, shall be preserved by the Custodian of the Standard Prayer Book; and the Secretary of the House of Deputies shall take out a copyright of said alterations and additions according to law; and he shall also send a copy of the same to the Ecclesiastical Authority of every Diocese, and to every Clergyman of this Church.

Section 4 was amended by the insertion of the words "and of 1889," after the words "of 1886" in the eleventh line thereof. Also after the first sentence, a new sentence was inserted reading as follows: "And

copies of this certificate shall be sent by the Custodian to every Bishop of the Church."

These amendments were made because of a partial revision of the Book of Common Prayer by the Convention of 1889.

CONVENTION OF 1892

The Convention of 1892 completed the revision of the Prayer Book, which revision had occupied the attention of several preceding Conventions. This revision made necessary an amendment of Canon 22 (formerly Canon 19) Title I, Of the publishing Editions of the Book of Common Prayer. This title was changed to Of the Standard Book of Common Prayer, and the canon amended to read as follows:

Sec. 1. The copy of the Book of Common Prayer and Administration of the Sacraments and other Rites and Ceremonies of the Church, according to the use of the Protestant Episcopal Church in the United States of America, together with the Psalter or Psalms of David; the Form of Making, Ordaining, and Consecrating Bishops, Priests, and Deacons, the Form of Consecration of a Church or Chapel, and an Office of Institution of Ministers, and Articles of Religion, set forth by the General Convention of this Church, in the year of our Lord 1892, and authenticated by the signatures of the presiding officers and secretaries of the two Houses of General Convention, and by the signatures of the members of the Joint Committee charged with the duty of preparing and submitting to the Convention a Standard Prayer Book, is hereby declared to be the Standard Book of Common Prayer of this Church.

Sec. 2. All copies of the Book of Common Prayer to be hereafter made and published shall conform to this Standard, and shall agree therewith in paging, and, so far as it is possible, in all other matters of typographical arrangement, except that the rubrics may be printed either in red or in black. The requirement of uniformity in paging shall apply only to that portion of the book which begins with the Order for the Daily Morning Prayer, and ends with the Psalter, and shall not extend to editions smaller than those known as 24mo, or to editions noted for music.

Sec. 3. In case any typographical inaccuracy shall be found in the Standard Book of Common Prayer, its correction may be ordered by a joint resolution of any General Convention, and notice of such correction shall be communicated by the Custodian to the Ecclesiastical Authority of each Diocese of this Church, and to actual publishers of the Book of Common Prayer.

Sec. 4. Copies of this folio Standard Book of Common Prayer, duly authenticated as in the case of the Standard Book, shall be sent, when issued, to the Ecclesiastical Authority of each Diocese or Jurisdiction in trust for the use thereof, and for reference and appeal in questions as to the authorized formularies of this Church.

Sec. 5. No copy or edition of the Book of Common Prayer shall be made, printed, published, or used as of authority in this Church unless it contain the authorization of the Custodian of the Standard Book of Common Prayer, certifying

that he or some person appointed by him has compared the said copy or edition with the said Standard or a certified copy thereof, and that it conforms thereto.

Sec. 6. The House of Bishops shall nominate a person who, after confirmation by the House of Deputies, shall be appointed the Custodian of the Standard Book of Common Prayer and shall have charge of the same. He shall hold office until his successor is appointed, and any vacancy occurring during the recess of General Convention may be provisionally filled by appointment of the Presiding Bishop. It shall be the duty of the Ecclesiastical Authority of any Diocese or Jurisdiction in which any unauthorized edition of the Book of Common Prayer or any part or parts thereof shall be published or circulated, to give public notice that the said edition is not of authority in this Church.

Sec. 7. This Canon shall take effect immediately.

It seems strange that it should require more than a hundred years for the Church to establish and set forth a standard book of Common Prayer.

CONVENTION OF 1904

In the revision of the canons by this Convention, Title I, Canon 22, was renumbered as Canon 41, and amended as follows:

In the tenth line of Section 1, the words "set forth by the General Convention" were changed to read "accepted by the General Convention."

Section 4 was amended to read as follows:

Sec. 4. Folio copies of the Standard Book of Common Prayer, duly authenticated, as in the case of the Standard Book, shall be sent to the Ecclesiastical Authority of each Diocese and Missionary District in trust for the use thereof, and for reference and appeal in questions as to the authorized formularies of this Church.

Title I, Canon 24, Of the Use of the Book of Common Prayer with the ritual section, so called, forbidding certain ceremonies and practices in the administration of the Holy Communion, the consideration of which, in the General Convention of 1871 and 1874, had threatened almost the very existence of the Church, was repealed by this Convention, and without a single voice being raised in its defense.

CONVENTION OF 1907

This Convention amended Section 2 of Canon 41 by changing the word "24mo" in the last line to "32mo."

CONVENTION OF 1910

This Convention renumbered Canon 41 as Canon 42, and amended Section 2, by adding the following at the end of the first sentence

thereof: "and that page numbers shall be set against the several headings in the Table of Contents."

CONVENTION OF 1928

At this Convention the date in Section 1 was changed to 1928 by reason of the adoption in that year of a Standard Book of Common Prayer as revised by action of General Convention from 1913 to 1928.

CONVENTION OF 1931

The canon was renumbered Canon 44, and a sentence was added to Section 5 as follows:

And no copy or edition of the Book of Common Prayer or a part or parts thereof shall be made, printed, published or used as of authority in this Church, or certified as aforesaid, which contains or is bound up with any alterations thereof or additions thereto or with any other matter, except the Holy Scriptures or the authorized Hymnal of the Church.

Mark the prohibition against use of such a book.

With respect to the term of office of the custodian, a resolution of the House of Bishops appears on page 79 of the Journal amending Section 6 so that the second sentence shall read:

"He shall hold office for three years or until his successor is selected."

On page 109 there is Message 81 of the House of Deputies stating concurrence.

On page 331, Report 25 of the Committee on Canons of the House of Deputies reports the amendment inexpedient and offers a resolution of nonconcurrence. The Journal then states: "Communicated to the House of Bishops by Message No. 85."

Message 85 on page 111 announces nonconcurrence in Message No. 70 of the House of Bishops.

No amendment was certified and Section 6 of the canon is printed unamended.

CONVENTION OF 1934

At this Convention the last sentence of Section 2 was amended to read, effective 1936:

"The requirements of uniformity in paging shall apply to the entire book, but shall not extend to editions smaller than those known as 32mo. or to editions used for music."

CONVENTION OF 1940

The canon was renumbered Canon 45.

CONVENTION OF 1943

The canon was renumbered Canon 20 in the rearrangement of that year.

CONVENTION OF 1946

The canon was renumbered Canon 21.

CONVENTION OF 1949

At this Convention the canon was amended by inserting the word "translation" after the word "copy" in three places.

EXPOSITION OF CANON 21

The Church has now a standard Prayer Book which is placed in charge of an officer elected by the Convention, called Custodian of the Standard Book of Common Prayer. All copies of the Prayer Book must now conform to this standard, agreeing therewith in paging and, as far as possible, in all other matters of typographical arrangement, except that the rubrics may be printed in red or black. The provision requiring uniformity does not extend to editions smaller than those known as 32mo or to editions noted for music.

No copy of the Prayer Book shall be made, printed, published, or used in the Church, unless it contains the authorization of the custodian, certifying that he or some person appointed by him has compared the said copy with the certified copy, and that it conforms thereto. Should any unauthorized edition of the Prayer Book be published or circulated, it is made the duty of the ecclesiastical authority of the diocese or missionary district in which such edition is being used or circulated, to give notice that such edition is not an authorized edition. This prohibition extends to any part of the Prayer Book that does not agree with the authorized copy.

A question arises from the sentence added to Section 5 in 1931 forbidding the use of a copy, translation, or edition of the Book of Common Prayer which contains or is bound up with alterations or additions, whether the use of the various "missals" or other unauthorized publications is not expressly forbidden by this canon.

It might seem that under Section 7 that all the ecclesiastical authority is required to do about service books is to give public notice that

they are not of authority in this Church. The better view would seem to be that after the performance of this duty any clergyman using such a book would be guilty of an offense under Canon 53 if he were not so from the use of it without such godly admonition.

The wording of Section 6 is open to the construction that, in case of a vacancy in the office of the custodian, the Presiding Bishop may be appointed *pro tempore*! The canon would be improved by striking out the word "the" before "appointment" and changing "of" to "by" after it.

CANON 22

Of a Standing Liturgical Commission

Liturgical
Commission,
duties of

SECTION 1. There shall be a Standing Liturgical Commission. It shall be the duty of this Commission to collect and collate material bearing upon future revisions of the Book of Common Prayer, to prepare and present to the General Convention from time to time recommendations concerning the Lectionary and the use of the Psalter, to prepare Offices for Special Occasions as authorized or directed by the General Convention or the House of Bishops, and upon request to advise concerning Liturgical uses.

How
composed

SEC. 2. (a) The Commission shall consist of nine members, of whom at least two shall be Bishops, two Presbyters, and two Laymen. The Custodian of the Book of Common Prayer shall be a member *ex officio* of the Commission.

Appointment
of members

(b) The members shall be appointed by the Chairmen of the two Houses of the General Convention, the Bishops by the Presiding Bishop and the Presbyters and Laymen by the President of the House of Deputies, for a term of six years. Vacancies occurring during the interval between sessions of the General Convention may be filled by the Chairmen of the two Houses, those so appointed to serve until the close of the next session of the General Convention.

Officers of

(c) The Commission shall elect its own Chairman and Secretary and have power to constitute committees necessary for the carrying on of its work.

Expenses of

SEC. 3. The expenses of the Commission shall be met by appropriations by the General Convention.

CONVENTION OF 1928

Concurrent resolutions were adopted which originated in the House of Bishops as follows:

Resolved, the House of Deputies concurring, That when the Standard Prayer Book of 1928 shall have been published, this Joint Commission on the Revision and Enrichment of the Book of Common Prayer be discharged.

Resolved, the House of Deputies concurring, That there be appointed a Standing Liturgical Commission, consisting of eight Bishops, eight Presbyters and eight Laymen, to be appointed by the Chairmen of the two Houses, to which Commission may be referred *for preservation and study*, all matters relating to the Book of Common Prayer, with the idea of *developing and conserving for some possible further use the liturgical experience and scholarship of the Church*.

The italicized words are significant because they show the very limited function given the Standing Liturgical Commission when it was first created.

CONVENTION OF 1931

A variety of proposed changes in the Prayer Book were referred to this commission, others to the Committee on the Prayer Book.

CONVENTION OF 1934

The commission presented a report which recommended:

1. Against any further revision of the Prayer Book at that time.
2. Authorization for the next triennium of (a) a complete Lectionary prepared by the commission (b) the Table of Sunday Lessons in the English "Deposited Book."
3. Commendation to the clergy for use in congregational worship on occasions when such use is appropriate of two books, subject to the provisions of the General Rubric. (*Jour. Con. 1934, p. 436*)

Concurrent resolutions were adopted as follows:

1. Instructing the commission to prepare and issue for experimental use during 1935 and 1936 two tables of lessons.
2. Commending to the clergy the two books *The Kingdom, the Power and the Glory* and *Devotional Offices for General Use* for use

in congregational worship on occasions where such use may be appropriate, subject to the provisions of the General Rubric.

CONVENTION OF 1937

At this Convention the commission reported the issuance of a trial Lectionary and asked authority to continue to do so for the next three years; also concerning a Book of Offices for special occasions and stated suggestions for revision of the Prayer Book were being kept at the General Theological Seminary. It also reported the progress in preparation of the Prayer Book in foreign languages. (*Jour. Con. 1937*, p. 469)

Permissive use of the trial Lectionary until December 31, 1941, with power in the commission to make necessary revisions, was authorized by resolution of the House of Bishops in which the House of Deputies concurred.

The House of Bishops adopted the following without calling for concurrence by the House of Deputies:

Resolved, The House of Bishops approve of the publication for authorization by Bishops for use in their Dioceses the Book of Offices in process of preparation by the Liturgical Commission.

The House of Deputies informed the House of Bishops that it had concurred in the resolution.

CONVENTION OF 1940

At this Convention a new Canon 46 was adopted Of the Standing Liturgical Commission except that Sec. 2 (i), now Sec. 2 (a) which read:

Sec. 2. (i) The Commission shall consist of nine members, three Bishops, three Presbyters, and three Laymen.

The commission at this Convention reported publication of the Book of Offices and upon the trial Lectionary for which it asked a further extension of three years.

The commission called attention to "increasing lawlessness in the conduct of worship" saying, *inter alia*:

"... Under our law, the Bishop has certain definite Liturgical rights. He may authorize prayers, services for special functions to represent

the mind of the whole Church in these matters. He is as definitely bound by law as is the Priest.

"This lawlessness is apparent everywhere in the conduct of the Choir Offices. It is unfortunately apparent in many places in the conduct of the order for Holy Communion. It appears upon investigation that not only do Priests alter, omit or interpolate to suit their own wishes, but that in some cases Bishops have definitely authorized such variations.

"... We are a Church governed by law and our Bishops and other clergy having at their ordination accepted the discipline and worship of the Church it is their responsibility that the law is kept or that minor infractions of it be definitely limited to special times and places." (*Jour. Con. 1940, pp. 472-473.*)

For example, at Morning Prayer there is no authority for the singing of any hymn other than the *Te Deum laudamus* or the Canticles, *Benedictus es, Domine*, or *Benedicite, omnia opera Domini*, after the First Lesson; there is no authority for the omission of any of the three collects and, if the service does not end with the third collect, the minister may end it only with such general intercessions as are contained in the Prayer Book.

The commission then proposed the enactment of a canon providing for a permanent commission and a resolution authorizing a shortened form of Holy Communion when authorized by the bishop on special occasions.

Canon 46 was adopted.

The House of Deputies did not concur in a resolution adopted by the House of Bishops amending the rubric at the close of the order for Holy Communion, authorizing use of a shortened form when expressly permitted by the Ordinary, and approved a report of the Committee on the Prayer Book that the matter be referred to the Liturgical Commission.

No action seems to have been taken on liturgical lawlessness.

CONVENTION OF 1943

At this Convention the canon was renumbered Canon 21 in the general rearrangement and its title amended by substituting "a" for "the."

CONVENTION OF 1946

The canon was renumbered Canon 22, and Section 2 (a) was amended to read:

Sec. 2. (a) The Commission shall consist of nine members, of whom at least two shall be Bishops, two Presbyters and two Laymen.

The resolution of the House of Bishops stated:

The purpose is to open the way for the appointment of two more Presbyters. It is on its Presbyters that the Commission depends chiefly for its work. The Bishops are likely to be heavily burdened, and very few laymen have any technical knowledge. It should be noted that the Liturgical Commission is not a Revision Commission in which checks and balances of the three orders are desirable. It is intended to be a group of (more or less) experts.

Perhaps as a result of this description the group of "more or less experts" reported in part as follows:

In its report for 1943, the Liturgical Commission proposed to make its contribution to the Fourth Centennial in the form of a "Draft Revision" of the Prayer Book. . . . This "Draft Revision" will be offered for study, not for immediate legislation. . . .

This report contains the following important statement:

The Commission has been requested to state an opinion on the matter of intinction. At its meeting held in June, 1943, the Commission unanimously adopted the following statement:

After a careful study of the rubrics in the service of Holy Communion, the Commission reports that in its judgment intinction performed by the communicant is in no way contrary to the order of the service. No changes in the rubrics as they stand are necessary to make this practice permissible. (*Jour. Con. 1946*, p. 440)

CONVENTION OF 1949

At this Convention Section 2 (a) was amended by adding the sentence: "The Custodian of the Book of Common Prayer shall be a member *ex officio* of the Commission."

In its report to the Convention the commission stated that it had received such a large body of material for the enrichment and revision of the Prayer Book from individuals, groups, and dioceses that it was forced to believe a movement for a general revision of the Prayer Book was not far away. Rather than have study, debate, and evaluation (with an infinity of details) on the floors of the Conven-

tion, it proposed a series of prayer book studies to appear from time to time.

A resolution was adopted in the House of Deputies as follows:

Resolved, the House of Bishops concurring, that the Diocesan Conventions and the Convocations of the Missionary Districts be, and they hereby are asked to express their views on the question "Shall a Revision of *The Book of Common Prayer* be inaugurated by General Convention in 1952?" and be it further

Resolved, the House of Bishops concurring, that the Standing Liturgical Commission be instructed to collect and collate the replies, and present them, or a summary of them, to the General Convention of 1952.

The House of Bishops concurred.

EXPOSITION OF CANON 22

The foregoing history of the Liturgical Commission has been told to show how far its functions have evolved beyond its original purpose of preservation and study, and the development and conservation of the liturgical experience and scholarship of the Church.

It was inevitable that a commission, to which proposed revisions of the Prayer Book and such questions as intinction are referred, should occupy a position of great importance in the Church and it is hard to overestimate the importance of this particular body.

This commission can be a means of unification of conflicting opinions and philosophies. It can, within its sphere, perform the function with respect to the liturgy that a Commission on the Canon Law might, if the General Convention sees fit, at some time create it.

The provisions of the canon prescribe the duties and powers of the commission plainly enough.

With respect to future revisions of the Prayer Book, its duty is only to *collect and collate*.

It is to prepare and present *recommendations* concerning the Lectionary and Psalter.

It is to prepare offices for special occasions as *authorized and directed*. It is to *advise upon request* concerning liturgical uses.

So, save as to collection and collation of material bearing on future revision of the Prayer Book and preparation and presentation of recommendations concerning the Lectionary and Psalter, it does not act *suo motu* but only when called upon.

Five of its members may come from the same order and, since the amendment so providing, there have been five presbyters.

CANON 23

Of the Authorization of Special Forms of Service

When
special forms
may be
authorized
for
congregation
worshipping
in a foreign
language

In any Congregation, worshipping in other than the English language, which shall have placed itself under the oversight of a Bishop of this Church, it shall be lawful to use a form of service in such language; *Provided*, that such form of service shall have previously been approved by the Bishop of the Diocese or Missionary District, until such time as an authorized edition of the Book of Common Prayer in such language shall be set forth by the authority of the General Convention, and *Provided, further*, that no Bishop shall license any such form of service until he shall first have been satisfied that the same is in accordance with the doctrine and worship of this Church; nor in any case shall such form of service be used for the ordination or consecration of Bishops, Priests, or Deacons.

CONVENTION OF 1904

This canon has not been amended since its adoption in 1904. It was renumbered Canon 45 in 1931, Canon 47 in 1940, Canon 22 in 1943, and Canon 23 in 1946.

EXPOSITION OF CANON 23

This canon was first enacted by the Convention of 1904 to provide that a congregation worshipping in a foreign language, but desiring the oversight of a bishop of the Church, might use a form of service approved by the bishop of the diocese or missionary district, until such time as an authorized edition of the Book of Common Prayer should be set forth in that language, provided that the bishop be satisfied that such form of service is in accordance with the doctrine and worship of the Church. This form of service, however, is only for the purpose of worship, and is not to be used for the ordination or consecration of bishops, priests, or deacons.

CANON 24

Of the Music of the Church

Hymns, etc.,
to be
appointed

It shall be the duty of every Minister to appoint for use in his Congregation hymns or anthems from those authorized by the Rubric, or by the General Convention of this

Church, and, with such assistance as he may see fit to employ from persons skilled in music, to give order concerning the tunes to be sung in his Church. It shall be his especial duty to suppress all light and unseemly music, and all irreverence in the performance.

The first legislation by the General Convention regarding the music of the Church, was the passage of a joint resolution by the Convention of 1832, which read in part as follows:

And it shall be the duty of every minister of any Church, either by standing directions, or from time to time, to appoint the portion of Psalms which are to be sung.

And further, it shall be the duty of every minister, with such assistance as he can obtain from persons skilled in music, to give order concerning the tunes to be sung at any time in his church; and especially it shall be his duty to suppress all light and unseemly music, and all indecency and irreverence in the performance; by which vain and ungodly persons profane the service of the Sanctuary.

We are told that this legislation was brought about by the unseemly and almost scandalous performances of church choirs which, as early as 1832, had become so “irreverential” that the Convention of that year passed the above resolution and ordered it prefixed to the “Collection of Psalms and Hymns” published at that time in the Book of Common Prayer.

CONVENTION OF 1874

The Resolution of 1832, having failed to prevent “the scandalous performances of Church choirs,” the General Convention of 1874 changed the resolution into a canon, making it mandatory upon the clergy to exercise their prerogative, and “give order” for the regulation of the music of the Church.

This canon was, as follows:

TITLE I

CANON 23

Sec. 1. The Selection of the Psalms in metre, and Hymns which are set forth by authority, and Anthems in the words of Holy Scripture, are allowed to be sung in all Congregations of this Church before and after Morning and Evening Prayer, and also before and after sermons, at the discretion of the Minister, whose duty it shall be, by standing directions, or from time to time, to appoint such authorized Psalms, Hymns, or Anthems as are to be sung.

Sec. 2. It shall be the duty of every Minister of this Church, with such assistance as he may see fit to employ from persons skilled in music, to give order concerning the tunes to be sung at any time in his church, and especially it shall be

his duty to suppress all light and unseemly music, and all indecency and irreverence in the performance by which vain and ungodly persons profane the service of the sanctuary.

CONVENTION OF 1892

This Convention amended Section 1 of Title I, Canon 23, by striking out in the first line thereof the following words: "selections of the Psalms in Metre and." Also, in line nine the word "Psalms."

CONVENTION OF 1904

In the revision of the Digest of Canons by the Convention of 1904, the Canon on the Music of the Church was made Canon 44, and amended to read as follows:

It shall be the duty of every Minister to appoint for use in his congregation hymns or anthems from those authorized by the Rubric, and, with such assistance as he may see fit to employ from persons skilled in music, to give order concerning the tunes to be sung in his Church. It shall be his especial duty to suppress all light and unseemly music, and all irreverence in the performance.

CONVENTION OF 1925

An amendment was apparently proposed at this Convention and no action taken on it which would have created a Commission on Church Music. Instead, the Joint Commission on Church Music was continued by resolution.

CONVENTION OF 1931

At this Convention the canon was renumbered Canon 47.

CONVENTION OF 1934

An amendment was proposed in the House of Deputies inserting the words "or by the General Convention of this Church" after the word "Rubric" in line three.

The Committee on Canons reported in favor of the purpose of the amendment but recommended reference to the Joint Commission on Church Music to report to the next Convention such a proposal for change in the rubric upon hymns and anthems as may be appropriate to allow the use of anthems not now authorized by the rubric.

This was adopted as a resolution in which the House of Bishops concurred.

CONVENTION OF 1937

The commission presented an amendment of the rubric on page 11 of the Prayer Book and also an amendment of the canon.

In the House of Deputies a report of its Committee on Canons stated that inasmuch as the matter was under consideration by the Committee on the Prayer Book a change in the canon was inexpedient was adopted.

The House of Bishops on the same day having adopted the amendment the House of Deputies concurred.

Action on the rubric in the House of Deputies got no further than being placed on the calendar, from which if not taken a matter might as well be laid on the table.

At the Convention of 1940 the canon was renumbered Canon 49, in 1943 Canon 25, and in 1949 Canon 24.

EXPOSITION OF CANON 24

An important case arose under the Canon of 1874, from a difference between the rector and the vestry of St. John's Church, Mobile, Alabama, growing out of the management and control of the organ of the church. "The Vestry, in their corporate capacity, claimed that they had the right to elect the Organist and the members of the Choir; to control the Organ, except when used for public services; to prohibit its use in the Sunday School, if a small Organ be provided; to put the key of the Organ in the possession of the Organist, with instructions that no one is to use or play upon the Organ without her permission, or an order from the Vestry; and that the Organist is to be responsible to the Vestry alone, for the condition and proper treatment of it.

"The Rector claimed that he was the sole custodian of the Organ; that he had the sole right to appoint the Organist and Choir; to decide whether it shall be used in the Sunday School, as well as at public services, and to determine when and by whom it shall be used; in addition to his right to control the music and the singing."

The rector and the vestry, being unable to reach a harmonious settlement of the question, agreed to submit the whole matter to the bishop for his judgment, and to abide by that judgment.

The bishop first summoned the standing committee as a council of advice in the matter. The standing committee, consisting of an equal

number of clergymen and laymen, were equally divided on the questions submitted to them: the clergy upholding the rector in his contention, and the lay members the contention of the vestry.

Several members of the standing committee, both clerical and lay, submitted briefs to the bishop upholding their several contentions.

The bishop delivered his judgment in the matter, covering all the points in the case, and upholding the contention of the rector on every point.

In speaking of the relation that the musical part of the service bears to the worship of the sanctuary, the bishop stated, "It is, beyond question, with its Anthems and Hymns of Praise and Adoration, together with the accompaniment of Instruments and Choristers, brought in to enliven and stimulate devotion, an integral part of Divine Worship—as essentially so as the offering of Collects and Litanies. In right views of the musical part of Divine Service, as only a varied part of Worship, will be found the solution of the main question embraced in this present contention. The bringing in of Organ and Choir alters not a whit the relation of the Clergy to the musical parts of Worship. All of these accessories and accompaniments are brought in to aid and enliven devotion, but the Minister officiating is virtually the Celebrant, and is the one leading and responsible person worshipping—in accordance with the recognized principle, '*Qui facit per alium facit per se.*'"

In interpreting the meaning of the Canon on Music, the bishop said:

"In order to get at the intent and full force of this Canon, it must be borne in mind that it was not framed for the purpose of *imparting authority* to the Clergy. That authority was not in question. Never within my knowledge, until this present contention, had the question been raised. No, the Minister is called upon, not to *take*, but to '*give order*', to put in exercise a power and authority, possessed by him in virtue of his office. I see not how language could be made more clear. If an inexpert in music, as many are, he is called upon, 'with such assistance as he may see fit to employ—from persons skilled in music, to give order, etc.'

"The parties designated as 'skilled in music' cannot be reasonably supposed to be an unknown and haphazard set of people—legislation takes note of known and recognized parties—but are most assuredly the Choir, and the Organist the chief members thereof. There is no other collection of people in a congregation known as 'skilled in music' but the Choir, and no other collection was in the minds of the Legis-

lators who framed the Canon. This is without doubt the only reasonable interpretation of the language of the Canon.

"The Minister then, is to employ the assistance needed, and it must be such assistance '*as he may see fit.*' *In a word, he must select the Organist and the Choir.* Any other interpretation, by which the Vestry or any other party should have the selection of 'the persons skilled in music' would introduce an element of conflicting authority, likely to thwart or be subversive of the authority of the Minister, and tending inevitably to endless discord and confusion. No interpretation of a law can stand, which would neutralize and subvert the very purpose for which the law was enacted."

The bishop quotes the decision of the Bishop of Maryland in the same matter, as follows:

"As to the appointment of the Choristers or Organist, the Canon of the General Convention seems to settle that, for in Section 2 it says, 'it shall be the duty of every Minister of this Church, with such assistance as he may see fit to employ from persons skilled in music, etc.'

"This places the choice of the persons entirely under his control and judgment; and the latter part of the same clause seems to give him power even to dismiss. I have always felt that this was absolutely clear."

Bishop Stevens of Pennsylvania, in 1869, decided similar questions for his diocese, as follows:

"The Rector has the right to control such arrangements, both in Church and Sunday School, as in his judgment shall be for the best interests of each. The building, and all the appurtenances of the building, being designated for promoting the spiritual good of the Parish, the Rector has the undoubted right to use it, and to control the arrangement of it in such ways as shall best observe the religious welfare of the people committed to his charge. . . . The Rector has the full right to select the Choir, to choose the tunes, to suppress what he deems light and unseemly music, and, consequently, to introduce such as he shall hold to be suitable for Divine Service. Where there is a paid Organist or Choir, it is the duty of the Vestry to pay them, not to direct them; it is the duty of the Rector to direct them, not to pay them."

The Bishop of Alabama further cited the institution office in support of his judgment, which, he says, "is the solemn setting forth of the mind of the Church as to the relation the Rector sustains to the Vestry."

During the Ceremonial of Institution, the senior warden presents the keys of the church to the minister that is being instituted in these words:

"In the name and behalf of ——— Parish (or Church), I do receive and acknowledge you the Rev. ——— as Priest and Rector (or Assistant Minister) of the same; and in token thereof, give into your hands the keys of this church."

The bishop, in commenting on this act, says:

"It is difficult to conceive of an act of deeper significance than this formal presentation of the keys. They are given without any reservation, expressed, implied, or anywhere existing. The Rector receives the keys, not only as the token and symbol of power, but as the *power itself*—the power of entrance, occupancy and control, of opening and shutting. Where is there any power to take them back, or to impose any limitation upon their use? If there is any existing limitation to this grant of power, if there are any parts of the building which he cannot enter and control at will, the whole solemnity is travestied in this act of delivering the keys.

"For example—suppose the Senior Warden, at the time of handing over the keys, should add—'but you, our Rector, must take notice that the key of the Organ is not under your control, except for certain specified purposes; and at other times, it must be in possession of the Organist to be elected by the Vestry.'"

"How would such a limitation strike any one who understood what is meant by the giving and receiving of keys? Does it seem less incongruous and contradictory when uttered afterwards, in the Vestry, and put in the form of a resolution by them? I am sure that no man of independent spirit, who understood his privileges and responsibilities, would receive the keys under such limitation, for there would be implied distrust in the very act of reposing confidence.

"My determination, therefore, in this contention is this—that there is no reason to be found in Canon Law, in the alleged absence of Canon Law, in precedent, in usage or in the general propriety and fitness of things, for limiting the control of the Rector over the Organ, the Organist, or the Choir and any of its accompaniments and accessories—all of which enter into the worship of which he is virtually, constructively, and for the most part actually, and, by virtue of his office, *'The Celebrant.'*"

The bishop's interpretation of the canon is the only interpretation that is consonant with the well settled principles of ecclesiastical law, and which recognizes the inherent right of the rector to appoint the organist and the members of the choir. If the organist and the members of the choir are paid for their services, it only belongs to the vestry to determine the amount of the salary to be paid to each, and the term of their employment; the vestry has no right to determine the personnel in either case. It is difficult to see how the right of the rector to appoint the organist and members of the choir, that is, to decide as to the personnel of his assistants in rendering the divine service of the Church, can well be questioned. It is the law of the English Church; it is general ecclesiastical law; it is also the law of the American Church, as clearly deducible from our canons and offices. (See *Hoffman's Eccl. Law*, pp 88, 89; *Humphrey's Law of the Church*, p. 35)

It would seem to be equally clear that to the rector belongs the right to determine the character of the choir; whether it shall be a quartette, or a chorus, or vested choir.

The right of the rector, to control the organ at all times and for all purposes, is well stated in the decision of the Bishop of Alabama, and follows, of necessity, from the right of the rector to the possession and control of the temporalities of the church.

The English ecclesiastical law is clear on this point. (*Wyndam v. Cole L. R. 1 P. D.*, 130; *Eyre v. Jones, Ecc. Gaz. Jan. 1870*; *Blunt's Book of Church Law*, p. 331)

CANON 25

Of the Consecration of Churches

SECTION 1. No Church or Chapel shall be consecrated until the Bishop shall have been sufficiently certified that the building and the ground on which it is erected have been fully paid for, and are free from lien or other encumbrance; and also that such building and ground are secured from the danger of alienation, either in whole or in part, from those who profess and practice the Doctrine, Discipline, and Worship of this Church, except in the cases provided in Secs. 2 and 3 of this Canon.

No Church
to be
consecrated
until fully
paid for

Vestry not
to encumber
or alienate
without
consent of
Bishop and
Standing
Committee

SEC. 2. It shall not be lawful for any Vestry, Trustees, or other body authorized by laws of any State or Territory to hold property for any Diocese, Missionary District, Parish, or Congregation, to encumber or alienate any consecrated Church or Chapel, or any Church or Chapel which has been used solely for Divine Service, belonging to the Parish or Congregation which they represent, without the previous consent of the Bishop, acting with the advice and consent of the Standing Committee of the Diocese, or of the Council of Advice of the Missionary District, as the case may be.

No Church
to be taken
down or
applied to
any common
uses without
same consent

SEC. 3. No consecrated Church or Chapel shall be removed, taken down, or otherwise disposed of for any worldly or common use, without the previous consent of the Bishop, acting with the advice and consent of the Standing Committee of the Diocese, or of the Council of Advice of the Missionary District, as the case may be.

CONVENTION OF 1868

The first legislation on the subject of the consecration of churches was by the Convention of 1868, which enacted Title I, Canon 21, of that year, as follows:

Sec. 1. No Church or Chapel shall be consecrated until the Bishop shall have been sufficiently certified that the building and ground on which it is erected have been fully paid for, and are free from lien or other incumbrance.

Sec. 2. It shall not be lawful for any Vestry, Trustees, or other body authorized by law of any State or Territory, to hold property for any Diocese, Parish, or Congregation, to incumber or alienate any consecrated Church or Chapel without the previous consent of the Bishop, acting with the advice and consent of the Standing Committee of the Diocese in which such Church or Chapel be situated. *Provided*, that this section shall not be operative in any State with the laws of which, relating to the title and holding of property by religious corporations, the same may conflict.

Sec. 3. No consecrated Church or Chapel shall be removed, taken down, or otherwise disposed of for any "unhallowed, worldly, or common use," without the previous consent of the Bishop, acting with the advice and consent of the Standing Committee of the Diocese in which such Church or Chapel may be situate.

This canon provided, first, that before a church could be consecrated, the bishop must be certified, that there was no debt of any kind upon the property, either upon the church building, or upon the ground upon which it was situated. Second, after such church had been consecrated, it could not be incumbered or alienated, or disposed of for

worldly uses, without the consent of the bishop and standing committee of the diocese.

CONVENTION OF 1871

The Convention of 1871 amended the first section of this canon as follows:

Sec. 1. No Church or Chapel shall be consecrated until the Bishop shall have been sufficiently certified that the building and ground on which it is erected have been fully paid for and are free from lien or other incumbrance; and also that such building and ground are secured by the terms of the devise, or deed, or subscription by which they are given, from the danger of alienation from those who profess and practice the doctrine, discipline, and worship of the Protestant Episcopal Church in the United States of America, except in the cases provided for in Sections 2 and 3 of this Canon: *Provided*, that this shall not preclude the alienation of lots for burial in vaults or otherwise, nor apply to land owned by the Church corporation and not necessary for religious uses.

CONVENTION OF 1904

No further amendment was made to this canon until the revision of the canons by the Convention of 1904, when it was renumbered as Canon 45, and amended as follows:

In the first section, the words "by the terms of the devise, or deed, or subscription, by which they are given," after the words "are secured," in the sixth line thereof, were stricken out as being unnecessary.

Also the words "the Protestant Episcopal Church in the United States of America," in the tenth and eleventh lines, were stricken out, and the words, "this Church," inserted in place thereof, as being sufficient to designate the Church meant, without giving the whole official title.

Also, the proviso relating to the alienation of burial lots, and land owned by the corporation but not necessary for religious uses, was stricken out as being unnecessary.

Section 2 was amended by changing the word "services" in the sixth line to "Service," and by inserting immediately after the said word "Service," the words, "belonging to the Parish or Congregation which they represent."

Also, by striking out all of said section after the words "of the Diocese," in the ninth line, including the proviso.

Section 3 was amended by striking out the word "unhallowed" in the third line, also the quotation marks in the same line, and adding

at the end of the section the following: "in which such Church or Chapel may be situate."

Save for the addition of the words "Missionary District" and "or of the Council of Advice of the Missionary District" in Section 2 and of the latter words in Section 3, this canon has been the same since the revision of 1904.

It was renumbered Canon 48 in 1931, and Canon 50 in 1940.

CONVENTION OF 1943

At this Convention the canon became Canon 24 and was amended to its present form to apply to missionary districts.

No mention of the amendment is made in the report of the Committee to Certify Changes in Canons or in the portion of the Journal entitled "Topical Arrangement—Canons—Alterations." However, in the canons as officially printed in the Journal, the amendment appears.

The Committee to Codify, Edit, Rearrange, and Renumber the Constitution and Canons recommended this amendment (*Jour. Con. 1943, p. 360 G*), and its recommendations were adopted as an "alteration in text." (*id.*, p. 124)

The canon was renumbered Canon 25 in 1946, and Canon 24 in 1949.

EXPOSITION OF CANON 25

The consent of the bishop and standing committee should be acknowledged and proved the same as a deed, and such consent so acknowledged be filed with the deed of alienation.

That the General Convention of 1871 which amended the canon recognized this necessity in order to make legal the requirement of the consent of the bishop and standing committee, is evidenced by the resolution adopted by that Convention as follows:

Resolved, the House of Bishops concurring, That it be recommended to the several Diocesan Conventions to take such measures as may be necessary, by State legislation or by recommending such forms of devise or deed or subscription as may secure the Church buildings, grounds, and other property, real and personal, belonging to the Protestant Episcopal Church in the United States of America, to those only who profess and practise the doctrine, discipline, and worship of the said Church; and to protect such buildings, lots, and other property, from the claims of those who abandon the doctrine, discipline, or worship of the said Church.

Many of the states have enacted statutes giving force to the requirements of this canon, to make valid and legal such alienation of Church property.

The amendment to this canon made by the Convention of 1871, and the resolution adopted by the same Convention, were due to the outcome of the celebrated Cheney Case in the Diocese of Illinois, (now Chicago). The Rev. Dr. Cheney had been deposed by the bishop in June, 1871, but still continued to officiate as rector of Christ Church in the city of Chicago. It was feared that the property of Christ Church would become alienated from the Protestant Episcopal Church, a fear which was afterwards realized. When Dr. Cheney went into the Reformed Episcopal Church, he took the property of Christ Church with him, and the courts sustained the transfer, holding that there was no law to prevent it. The Convention of 1871, in enacting the amendment to the canon, providing that before the consecration of a church, the bishop was to be satisfied that the building and grounds thereof are secured from "danger of alienation from those who profess and practice the doctrine, discipline, and worship of the Protestant Episcopal Church," recognized that while this was as far as the Convention could legislate in the matter, it was not sufficient to prevent such alienation, and the Convention therefore adopted the resolution, recommending that the several diocesan conventions take steps to procure legislative action by which such alienation could be prevented.

III

THE MINISTRY

CANON 26

Of Postulants

To consult
with Pastor

SECTION 1. (a). Every person desiring to be admitted a Candidate for Holy Orders is, in the first instance, to consult his immediate Pastor, or, if he have none, some Presbyter to whom he is personally known, setting before him the grounds of his desire for admission to the Ministry, together with such circumstances as may bear on his qualifications, or tend to affect his course of preparation.

To make
his desire
known to
Bishop

(b). If, as the result of a thorough inquiry into the physical, mental, moral and spiritual qualifications of the applicant, he is counselled by the aforesaid Presbyter to persevere in his intentions, he shall make his desire known personally, if possible, or in writing, to the Bishop in whose jurisdiction he has been canonically resident for the three months preceding. But with the written consent of the said Bishop, and on the recommendation of at least one Presbyter of the said jurisdiction who is acquainted with the applicant, the latter may at once apply to some other Bishop. He shall give to the Bishop the name of his Pastor, or, if he have none, of some other Presbyter in good standing, to whom he is personally known, from whom the Bishop may ascertain, either by personal conference, or by direct report in writing, his qualifications, as stated above, for the work of the Ministry.

Examination
required

Before the admission of a Postulant the Bishop shall whenever possible confer in person with the applicant, and shall require the applicant to submit to a thorough examination by a physician appointed by the Bishop. This examination shall cover the man's mental and nervous as well as his physical condition. The form of medical report pre-

pared by The Church Pension Fund shall be used for this purpose. The Bishop may require from the Postulant's Rector and Vestry a certificate in the following words, viz.:

To the Right Reverend

Bishop of

We, whose names are hereunder written, testify to our belief (based on personal knowledge or on evidence satisfactory to us) that A. B. is sober, honest and godly, and that he is a communicant of this Church in good standing. We do furthermore declare that, in our opinion, he possesses such qualifications as fit him to be admitted a Postulant for Holy Orders.

(Signed)

Whenever such a recommendation is required a copy shall be filed with the Standing Committee of the Diocese or Council of Advice of the Missionary District.

A record of the medical report shall be kept on file by the Bishop and shall be submitted to the Standing Committee, or Council of Advice, when application is made by the Postulant to be recommended for admission as a Candidate.

- (c) The applicant shall state to the Bishop in writing: What information he must give
- (1) His full name and age.
 - (2) The length of time he has been resident in the Diocese or Missionary District.
 - (3) When, and by whom, he was baptized.
 - (4) When, and by whom, he was confirmed.
 - (5) When, and where, he was admitted to the Holy Communion.
 - (6) Whether he has ever before applied for admission as a Postulant or as a Candidate for Holy Orders.
 - (7) On what grounds he is moved to seek the Sacred Ministry.

SEC. 2. (a). The Bishop, in a book to be kept for that purpose, shall enter the name of each applicant, with the fact of his approval or disapproval of the application, and the date of such entry. If he approve of the application, he The Bishop to record application, with date, in a book

shall inform the applicant of the fact, and of the date of his admission as Postulant.

Removal
of name

(b). Similar records shall be made and information given of the removal of a name from the list of Postulants. Without further reason, the Bishop may remove the name of a Postulant who fails to be admitted as a Candidate for Holy Orders within four years from the date of his reception as a Postulant.

To report in
each Ember
Week

(c). Every Postulant for Holy Orders shall report himself to the Ecclesiastical Authority personally or by letter, four times a year, in the Ember Weeks, giving account of his manner of life and progress in his studies; and if he fails to make such reports to the satisfaction of the Ecclesiastical Authority, his name may be stricken from the list of Postulants.

Process if
applicant
has before
been refused

SEC. 3. (a). No Bishop shall accept as a Postulant any person who has been refused admission as a Postulant or as a Candidate for Holy Orders in any other Diocese or Missionary District, or who, having been admitted, has afterwards ceased to be a Postulant or a Candidate, until he shall have produced a certificate from the Ecclesiastical Authority of the Diocese or Missionary District in which he has been refused admission, or in which he has been a Postulant or a Candidate, declaring the cause of refusal or of cessation.

The Bishop
to send
certificate
to Standing
Committee

(b). Should the Bishop accept such applicant as a Postulant, he shall send the said certificate, or a copy thereof, to the Standing Committee of the Diocese, to be considered by them if the said Postulant should apply to be recommended for admission as a Candidate.

Standing -
Committee,
when
acting as
Ecclesiastical
Authority,
to act for
Bishop

SEC. 4. A Standing Committee, acting as the Ecclesiastical Authority of a Diocese, shall be competent to receive and act upon applications under this Canon from persons desiring to be received as Postulants.

SEC. 5. (a). The Postulant, before entering upon his course of theological studies, must lay before the Bishop and the Board of Examining Chaplains satisfactory evidence that he is a graduate of some college or university, together with a full statement of the work done by him in such college or university. If this work include sufficient instruction in the subjects specified in Clause (b) of this Section and is otherwise deemed adequate and satisfactory, no further examination shall be required; but if not, the Postulant must satisfy the Board of Examining Chaplains that he possesses the intellectual ability to enter with advantage upon a course of study preparatory to Holy Orders.

Postulant
to satisfy
Bishop he is
a college or
university
graduate

If not, must
satisfy as to
ability

(b). If the Postulant be not a graduate as aforesaid, he shall be required to pass an examination in the following subjects:

If not a
graduate, to
be examined

(1) English:

(a) Language (including grammar and composition),

(b) Literature (English and American);

(2) Latin, or a reading knowledge of an ancient or modern language other than English;

(3) History, ancient and modern;

(4) Mathematics, or one of the Natural Sciences;

(5) Philosophy;

(6) Psychology, or one of the Social Sciences.

(c). If the Postulant have attained the age of thirty-two years, and have shown such proficiency in business or professional life as gives promise of usefulness in the Ministry, the Bishop, on recommendation of the Board of Examining Chaplains, may, at his discretion, dispense him from examination in all but the following subjects:

Special
dispensation

(1) English:

(a) Language (including grammar and composition),

(b) Literature (English and American);

(2) History, ancient and modern;

(3) One of the following subjects:

- (a) Mathematics,
- (b) A Natural or Social Science,
- (c) Philosophy,
- (d) Psychology.

Dispensation
for
Postulants
of other race
and speech

(d). If the Postulant be of other race and speech, and is to exercise his Ministry among people of his race in the United States, the Bishop, on recommendation of the Board of Examining Chaplains, may, at his discretion, dispense him from all examinations except those specified in the Clause immediately preceding this Clause. But if the Postulant is to exercise his Ministry among people of his race in a foreign Missionary District, the Bishop may, at his discretion, dispense him from all such examinations; *Provided*, only, that he shall satisfy the Bishop and the Board of Examining Chaplains that he possesses good mental ability and sufficient education to enable him to pursue a course of study preparatory to the work of the Ministry.

Dispensation
for
Postulants
from other
Christian
Bodies

(e). If the Postulant have served with good repute and success in the regular Ministry of some other body of Christians for at least five years, and shall lay before the Board of Examining Chaplains satisfactory evidence of a thorough theological training in his previous communion, the Bishop on recommendation of the Board, may, at his discretion, dispense him from the above examinations. But in all other cases such Minister shall conform to the requirements of other Postulants.

Certificate
required to
application
to another
Bishop

(f). Should a Postulant who has been examined in any of the above subjects afterwards apply for admission as Postulant in any other Diocese or Missionary District, he shall lay before the Bishop of such Diocese or District a certificate from the Bishop who admitted him as Postulant, stating what examinations he has taken and the result of each. And if he has failed to pass in any subject, he shall not be admitted to examination in that subject until at least six months after such failure.

Satisfactory
evidence
in lieu of
examinations

(g). The Board of Examining Chaplains may, at their discretion, accept, in lieu of examination, satisfactory evidence that the Postulant has fulfilled the requirements in any one or more of the subjects specified in this Canon.

SEC. 6. The Board of Examining Chaplains shall report to the Bishop in writing whether these examinations have been satisfactorily sustained, and the Bishop shall transmit this report to the Standing Committee or Council of Advice.

Report of
Examining
Chaplains

The canons governing ordinations have been the subject of many changes and transfer of the provisions of one canon to another so that tracing the source of a particular provision of the present canons is often confusing.

SECTIONS 1 TO 4

CONVENTION OF 1795

The first legislation of General Convention on the subject of postulants for the ministry was in the Convention of 1795, which enacted Canon 6 of that year as follows:

Every candidate for the ministry shall give notice of his intention to the bishop, or to such body as the Church in the State in which the candidate resides, may have appointed to superintend the instruction of candidates for Holy Orders, at least one year before his ordination. And if there be a bishop within the State or district where the candidate resides, he shall apply to no other bishop for ordination, without the permission of the former. And the said candidate shall pass through the preparatory exercises which the bishop, or such body aforesaid, may appoint: such as composing of theses, homilies or sermons, one or more, to be delivered either publicly or privately, in his or their presence, at such time or times as may be appointed by the authority aforesaid.—And this Canon shall be in force from and after the first day of January next.

This canon was enacted because of a case which occurred but a short time before the Convention met.

At a very early period a church had been established in what was known as the Narragansett country in Rhode Island. Soon after the consecration of Bishop Seabury, the clergy and lay deputies from the churches in Providence, Newport, and Bristol, met in Newport and adopted a resolution declaring Bishop Seabury to be the bishop of the church in Rhode Island. The church in the Narragansett country, for some reason, decided to unite with the church in Massachusetts, and in 1793, Bishop Provost of New York, at the request of the church in Massachusetts, ordained a clergyman for the Narragansett church.

This produced great dissatisfaction in Rhode Island, and at the next diocesan convention of the church in that state, the action of Massa-

chusetts, and of Bishop Provost, was severely condemned. Bishop White tells us that for a time there was danger of alienation between Bishop Seabury and Bishop Provost. (*Memoirs, 2nd Ed., p. 171*)

This danger was avoided, however, and the Narragansett church came into union with the church in Rhode Island. This canon was enacted to prevent future occurrences of a similar nature, at the suggestion of Bishop Provost.

CONVENTION OF 1804

An addition to this canon was enacted by the Convention of 1804, as follows:

Every candidate for Holy Orders, who may be recommended by a standing committee of any Church destitute of a bishop, if he have resided for the greater part of the three years last past within the diocese of any bishop, shall apply to such bishop for ordination. And such candidate shall produce the usual testimonials, as well from the committee of the diocese in which he has resided, as from the committee of the Church in the state for which he is to be ordained.

The purpose of this addition to the canon would seem to have been to produce uniformity of procedure for the candidates of every diocese irrespective of whether they had bishops or not.

CONVENTION OF 1808

In the revision of the canons by this Convention, this canon was made Canon 7, and amended to read as follows:

Every person who wishes to become a candidate for orders in this Church, shall give notice of his intention to the bishop, or to such body as the Church in the diocese or State in which he intends to apply for orders may appoint, at least one year before his ordination.

The remainder of the canon related to candidates for Holy Orders, and will be considered under the next canon.

CONVENTION OF 1823

This first paragraph of Canon 7 of the Canons of 1808 was amended by this Convention to read as follows:

Every person who desires to become a candidate for orders in this Church, shall obtain admission from the bishop, or such body as the Church in the diocese or State in which he intends to apply may appoint, at least one year before his ordination.

The former canon required one year's previous notice of intention to become a candidate before ordination. This amended paragraph required one year's previous admission as a candidate by the bishop before ordination.

Bishop White in his *Memoirs* (p. 44, 2nd Ed.) gives the reason for its enactment. He says: "This Canon was intended for any case of insufficiency of a candidate, in classical and scientific literature; and with the view of arresting him at an early period of his intended devotion to the ministry; and to prevent disappointment, after considerable time spent in theological study."

CONVENTION OF 1826

The Canon of 1823 on this subject, and the first paragraph of Canon 7, of the Canons of 1808, were repealed by this Convention and a new canon enacted in place thereof, to read, in part, as follows:

Every person who desires to become a candidate for orders in this Church, shall, in the first instance, give notice of his intention to the bishop, or, if there be no bishop, to such body as the Church in the diocese or State in which he intends to apply, may appoint.

The remainder of the canon related to candidates for Holy Orders.

CONVENTION OF 1832

In the revision of the Digest of Canons by this Convention, the substance of the former canons, which we have been considering, was embodied in the Canon 9 of 1832, the first section of which, being the only section thereof relating to postulants, read as follows:

Sec. 1. Every person who desires to become a candidate for orders in this Church, shall, in the first instance, give notice of his intention to the Bishop, or if there be no Bishop, to such body as the Church in the Diocese in which he intends to apply may appoint, or where no appointment is made, to the President of the Standing Committee.

The only change made in the canon was the provision, that where there was no bishop, and nobody appointed by the church in the diocese to which he may apply, then he might make his application to the president of the standing committee.

The Convention of 1838 repealed Canon 9, of the Canons of 1832, and enacted Canon 4 of that year in its place, but no change was made in the first section.

CONVENTION OF 1841

This Convention repealed Canon 4, of the Canons of 1838, and enacted a new canon, Canon 9, in its place, the first section being the only section relating to postulants, and which read as follows:

Sec. 1. Every person who desires to become a Candidate for Orders in this Church, shall, in the first instance, give notice of his intention to the Bishop of the Diocese in which he intends to apply, or, if there be no Bishop, to the Standing Committee; in which notice he shall declare whether he has ever applied for admission as a Candidate in any other Diocese. No person who has previously applied for admission as a Candidate in any Diocese, and has been refused admission, or, having been admitted, has afterwards ceased to be a Candidate, shall be admitted as a Candidate in any other Diocese, until he shall have produced from the Bishop, or, if there be no Bishop, from the Standing Committee of the former Diocese, a certificate, declaring the cause for which he was refused admission, or for which he ceased to be a Candidate.

Although this section applies more particularly to candidates for Holy Orders, except in the first sentence thereof, it is the only canon that relates to postulants.

While this canon was repealed by the Convention of 1847, and a new canon, Canon 6, of that year, enacted in its place, no change was made in the first section thereof. This canon was repealed by the Convention of 1853 and a new canon, Canon 7, enacted in its place, but again no change was made in the first section.

CONVENTION OF 1856

The General Convention seemed to have much difficulty in framing a canon relating to candidates for orders that was satisfactory. The Convention of 1856 repealed the Canon of 1853 and enacted a new canon, Canon 3, of that year, in its place. The first section thereof was as follows:

Sec. 1. All persons seeking admission to the Ministry of this Church, are to be regarded as Candidates for Holy Orders.

The second section remained the same as Section 1 of the former canon.

In the revision of the canons by the Convention of 1859, this canon was made Title I, Canon 2. The first two sections of this canon remained without change.

CONVENTION OF 1871

This Convention made a complete revision of the canons of ordination. Canon 2, Of the Admission of Persons as Candidates for Holy Orders, was amended to read, in part, as follows:

Sec. 1. All persons seeking admission to the Ministry of this Church are to be regarded as Candidates for Holy Orders, or as Postulants for admission to Candidateship.

Sec. 2. (i) Every person desiring to be admitted Candidate for Holy Orders is, in the first instance, to consult his immediate Spiritual Pastor or Rector, setting before him, freely and fully, the grounds of his desire for admission to the Ministry, together with such circumstances in his personal constitution, relations, and position, as may bear on his qualifications, or tend to affect his course of preparation.

(ii) If counselled to persevere in his intention, such person shall then, with letter of approval and introduction from the Pastor or Rector, personally, if possible, or by letter, give notice of his intention to the Bishop of the Diocese, stating whether he has ever applied for admission as a Candidate in any other Diocese; (2) whether he is prepared at once to apply for recommendation to be admitted Candidate; (3) or, if not so prepared, where he proposes to prosecute preparatory studies, and whether he expects or desires aid in such studies while a Postulant; and, (4) the time and place of his Baptism, Confirmation, and first Communion: *Provided*, however, that nothing herein contained shall prevent the Bishop, for reasons satisfactory to himself, from receiving such application and notice, without such letter of approval and introduction, if the same, when applied for, be not given by such Pastor or Rector.

(iii) Such notice must be given to the Bishop of the Diocese in which the person is actually resident, and can be received by none other.

(iv) A Bishop may, at his discretion, permit the transfer of such application to the Bishop of another Diocese, for reasons seeming to him to justify such transfer.

(v) A Bishop may not receive such application from a person who has been refused admission as a Candidate in any other Diocese, or who, having been admitted, has afterwards ceased to be a Candidate, until he shall have caused such person to produce a certificate from the Bishop in whose Diocese he has been refused admission, or has been a Candidate, declaring the cause of the refusal, or of cessation of Candidateship; and such certificate shall be laid before the Standing Committee of the Diocese in which such second application shall be made.

(vi) A Standing Committee, acting under canonical provision as the Ecclesiastical Authority of a Diocese, in vacancy, or for other causes, shall be competent to receive and do all assigned to the Bishop in the foregoing clauses.

The remaining sections of this canon referred to the application of the postulant to be admitted as a candidate for Holy Orders.

The term postulant is here used for the first time to describe a person seeking admission to the ministry before being admitted as a candidate.

The former canons provided that the postulant should make known his intention first to the bishop of the diocese. This canon provided most properly, that his intention should first be made known to his rector, and then to the bishop. Certain requirements were prescribed in making known his intention to his rector, and also in his notice to his bishop.

A standing committee, acting as the ecclesiastical authority of a diocese was, for the first time, authorized to receive and do all assigned to a bishop in the matter of receiving postulants.

The Convention of 1886 appointed a joint committee to consider the canons of ordination reported by the Committee on Canons of the House of Bishops, and similar canons reported by the same committee of the House of Deputies, made to that Convention, and to report thereon to the Convention of 1889.

This joint committee reported to the Convention of 1889 a complete revision of the canons of ordination, which failed of adoption in the House of Deputies, although approved by the House of Bishops, after being amended. These approved canons of ordination were referred by the House of Bishops to a special committee of that House to sit during the recess of the General Convention.

CONVENTION OF 1892

This Convention made a complete revision of the canons of ordination, and amended Canon 2, by making it refer to postulants only, with the title Of Postulants, and to read as follows:

Sec. 1. (i) Every person desiring to be admitted a Candidate for Holy Orders is, in the first instance, to consult his immediate Pastor, or if he have none, some Presbyter to whom he is personally known, setting before him the grounds of his desire for admission to the Ministry, together with such circumstances as may bear upon his qualifications, or tend to affect his course of preparation.

(ii) If counselled to persevere in his intention, such person shall then, with letter of approval and introduction from such Presbyter, which letter shall furnish to the Bishop precise and specific information as to his antecedents, training, physical, moral and intellectual fitness to be received as a Postulant for the Holy Ministry, give notice of such intention to the Bishop of the Diocese or Missionary Jurisdiction to which he belongs.

(iii) The Bishop may, in a case where it is impossible to obtain such testimony, dispense with the provisions of this Section, and receive the application directly.

Sec. 2. In his written application to the Bishop, the applicant shall state:

(a) The dates of his birth, baptism, confirmation, and first communion.

(b) Whether he has ever before applied for admission as a Postulant or Candidate for Holy Orders.

(c) Whether he is prepared forthwith to make application to be received as a Candidate.

Sec. 3. Should the Bishop approve of the application he shall enter the name of the applicant upon the list of Postulants, in a book to be kept for that purpose, and shall inform him of the fact and date of such entry.

Sec. 4. (i) No Bishop shall accept as a Postulant any person who has been refused admission as a Postulant or Candidate for Holy Orders, in any other Diocese or Missionary Jurisdiction than his own, or, who having been admitted, has afterwards ceased to be a Candidate, until such person shall have produced a certificate from the Ecclesiastical Authority of the Diocese or Missionary Jurisdiction in which he has been refused admission, or has been a Postulant or Candidate, declaring the cause of such refusal or cessation.

(ii) Should the Bishop, after the receipt of such certificate, see fit to accept the applicant as a Postulant, he shall remit said certificate, or a copy thereof, to the Standing Committee, for their consideration, in the event of the said Postulant applying to them to be recommended as a Candidate for Holy Orders.

Sec. 5. A Standing Committee, acting as the Ecclesiastical Authority of a Diocese or Missionary Jurisdiction, shall be competent to receive and act upon applications under this Canon from persons desiring to be received as Postulants.

The changes made by the amended canon were as follows:

If the postulant had no immediate pastor, he was to consult some presbyter to whom he was personally known.

In his written application to the bishop, the postulant must state certain specified things.

The bishop is directed to keep a record of all applications to be received as a postulant, and is to notify the applicant that he has entered his name as a postulant, and the date of such entry. The new canon was much clearer in its requirements than the former one.

CONVENTION OF 1904

In the revision of the Digest of Canons by the Convention of 1904, the Canon Of Postulants was made Canon 1.

Section 1 (i) remained without amendment.

Clause (ii) was amended so as to provide that the postulant must make known his intention to become such, to the bishop of the jurisdiction in which he has been resident for the three months preceding. The former canon simply provided that he must make known his intention to the bishop of the diocese or jurisdiction to which he belongs. The postulant must give to the bishop the name of some pres-

byter in good standing from whom the bishop may ascertain the canonical qualifications.

Clause (iii) was amended to read as follows:

- (iii) He shall state to the Bishop in writing:
 - (a) His full name and age.
 - (b) The length of time he has been resident in the Diocese or Missionary District.
 - (c) When, and by whom, he was baptized.
 - (d) When, and by whom, he was confirmed.
 - (e) When, and where, he was admitted to the Holy Communion.
 - (f) Whether he has ever before applied for admission as a Postulant or as a Candidate for Holy Orders.
 - (g) On what grounds he is moved to seek the Sacred Ministry.

As will be noted the new canon required much fuller particulars of his personal life to be stated in his letter to the bishop, than was required by Section 2 of the former canon.

Former clause (iii), providing for a dispensation from the provisions of this canon under certain circumstances, was repealed.

Section 3 (i) was a re-enactment of former Section 4 (i), the word "District" being substituted for the word "Jurisdiction," and the words "ceased to be a Candidate" amended to read, "ceased to be a Postulant or a Candidate," in the fifth and sixth lines. Also, the words "in which" were inserted between the words "or" and "he has been" in the next to the last line.

Clause (ii) of this section was practically the same as clause (ii) of former Section 4, with slight changes in phraseology.

Section 6 was made Section 5, and amended by striking out the words "or Missionary Jurisdiction" in the second line thereof.

CONVENTION OF 1910

This Convention amended Canon 1, Section 2, by the addition of the following clause:

- (ii) Similar records shall be made and information given of the removal of a name from the list of Postulants. Without further reason, the Bishop may remove the name of a Postulant who fails to be admitted as a Candidate for Holy Orders within four years from the date of his reception as a Postulant.

This amendment corrected what would seem to be a serious defect in the former canon, which made no provision for any notification to the applicant to be admitted as a postulant of the bishop's dis-

approval of his application. It would certainly seem that the applicant was entitled to know if his application was rejected.

Provision was made that the bishop might remove from the list of postulants the name of one who had failed to be admitted as a candidate after having been a postulant for four years.

CONVENTION OF 1916

Canon 1, Section 1 (ii) was amended by this Convention by inserting after the first sentence thereof, the following:

But with the written consent of the said Bishop, and on the recommendation of at least one Presbyter of the said jurisdiction who is acquainted with the applicant, the latter may at once apply to some other Bishop.

This was a restoration of a provision formerly contained in the canons, allowing an applicant seeking to be admitted as a postulant, to apply, with the consent of his bishop, to some other bishop to be so admitted.

CONVENTION OF 1919

Memorials from the examining chaplains of the Province of Washington, and from the General Board of Religious Education, praying for certain amendments to the canons of ordination, were presented to the Convention of 1916, which were referred to the Committee on Canons in the House of Deputies. Also, a message from the House of Bishops, proposing certain amendments to the said canons, was referred to the same committee, which reported against concurring with the House of Bishops in the proposed amendments, on the ground that the whole matter of the canons of ordination was then under the consideration of the General Board of Religious Education with power to present canons of ordination for the consideration of the next General Convention, and suggesting to the House of Bishops that the said message, together with other resolutions on the same subject be referred to the said board.

The House of Bishops took no action on the message of the House of Deputies conveying this action of said House, except a refusal to adopt a resolution asking for a committee of conference on the subject of the said message. Instead thereof, the House of Bishops sent a message to the House of Deputies proposing that a joint commission be appointed to consider the canons of ordination, and to report to the next Convention. The House of Deputies concurred with the action of the House of Bishops in the matter.

As the House of Deputies had already referred the canons of ordination to the General Board of Religious Education for their consideration, it meant that that House had referred the same subject to two different bodies for consideration and report.

The joint commission and the Board of Religious Education, however, worked together in the matter, and presented only one report to the Convention of 1919. The canons of ordination proposed in this report, contained most radical changes from the former canons on the subject. The proposed canons, however, after being amended were adopted by the Convention.

Canon 1 was re-enacted without amendment, except in Section 1, clause (ii), making necessary a thorough inquiry into the physical, mental, moral, and spiritual qualifications of the person before he is to be counselled to persevere in his intention to become a postulant.

A second paragraph was added to this clause, requiring the applicant to submit to an examination by a physician appointed by the bishop and standing committee, before his admission as a postulant; this examination to cover his mental, nervous, and physical condition.

CONVENTION OF 1922

This Convention amended Section 1 (ii) by striking out the words "and the Standing Committee or Council of Advice," in the fourth line of the second paragraph thereof.

It was found that requiring the examining physician be appointed by the joint action of the bishop and the standing committee often worked a hardship upon applicants who lived at a distance from the see city, and as there did not seem to be any good reason why the appointment of the examining physician should not be left entirely in the hands of the bishop, the canon was amended by striking out the words requiring the consent of the standing committee to such appointment.

CONVENTION OF 1934

At this Convention the House of Bishops adopted an amendment of Section 1, clause (ii), in which the House of Deputies did not concur, adding after the word "ministry" at the end of the first paragraph:

If the applicant seeks admission in some Diocese other than the one in which he is a canonical resident the Bishop to whom application is made shall make full inquiry of the Bishop of the Diocese in which the man is resident; of the Rector, or some

clergyman to whom he is personally known; of the college or seminary in which he is studying; as to his character, family and qualifications.

It is worth noting that the House of Deputies acted as they did in spite of a favorable report by the Committee on Canons.

CONVENTION OF 1937

At this Convention Section 1, clause (ii) was amended by inserting after the word "shall" in the second line of the second paragraph the words "whenever possible, confer in person with the applicant, and shall"; by striking out a semi-colon after the word "condition" in the fifth line and inserting a period; and by striking out the remainder of the paragraph and inserting the following:

The form of medical report prepared by the Church Pension Fund shall be used for this purpose.

A record of the report thereon shall be kept on file by the Bishop and shall be submitted to the Standing Committee, or Council of Advice, when application is made by the Postulant to become a Candidate.

The effect of this was to standardize the form of report of the medical examination of a candidate upon a form prescribed by the Church Pension Fund and to require its later submission to the standing committee or council of advice before the postulant is received as a candidate. Before this amendment the report was merely open to their inspection.

CONVENTION OF 1940

Section 1, (ii) was amended by capitalizing the word "ministry" at the end of the first paragraph; deleting a comma after the word "possible" in the second paragraph; substituting "Church Life Insurance Corporation" for "Church Pension Fund" in the same paragraph; and substituting "to be recommended for admission as a Candidate" for "to become a Candidate" in the third paragraph.

Section 1, (iii) was amended by substituting the words "the applicant" for the word "he" in the first line.

These amendments were recommended by the Joint Commission on Codification and were corrective.

CONVENTION OF 1943

In the rearrangement of canons this one became Canon 25 and in Section 1 (b) "Church Life Insurance Corporation" was changed back to "Church Pension Fund."

CONVENTION OF 1946

The canon was renumbered Canon 26.

Section 2 was amended by the addition of clause (c).

Sections 5 and 6 of former Canon 26 were transferred and made Sections 5 and 6 of this canon in present form.

At this Convention Canon 26 took its present form by the addition of these sections. Thus, Section 5 (a) of former Canon 26, now Canon 27, Of Candidates for Holy Orders, became Section 5 (a) of this canon. Before transfer it read:

The Postulant before his admission as a Candidate for Holy Orders must lay before the Bishop and the Board of Examining Chaplains satisfactory evidence, etc.

The Joint Commission on Theological Education had recommended a definite enlargement of the requirements for postulants saying:

"Hitherto a review of the seminarian's collegiate record by a Board of Examining Chaplains has been asked only when the Candidate asked to become a Candidate. Since most Postulants take the step from Postulancy to Candidacy when already in the Seminary, corrections in pre-seminary training were well nigh impossible. The revised Canon (25), accordingly, asks that approval of a prospective ordinand's pre-seminary record be secured from a Board of Examining Chaplains before his entrance upon theological study." (*Jour. Con.* 1946, p. 637)

Section 5 (b) of former Canon 26 Of Candidates for Holy Orders which regulated the examination of non-college graduates became Section 5 (b) of this canon in its present form.

Section 5 (c) of former Canon 26 which provides for dispensation of a postulant unable to meet the requirements in Latin and Greek or either of them was omitted.

As a result of these, there is a definite prescription without power of dispensation.

Section 5 (d) of the former canon, which provided for special dispensation of postulants aged thirty-two who had shown proficiency in business or professional life, became Section 5 (d) of this canon, omitting the requirement of an "elementary knowledge of the Bible in English" which is covered in Section 5 (b).

Other sections were transferred from the former canon as follows:

Section 5 (e) became Section 5 (d)

Section 5 (f) became Section 5 (e)

Section 5 (g) became Section 5 (f)

Section 5 (h) became Section 5 (g)

Section 6 remained Section 6

In other words provisions in former Canon 26, Of Candidates for Holy Orders, were made to apply to postulants in accordance with the recommendation of the Joint Commission on Theological Education. (*Jour. Con.* 1946, p. 642)

CONVENTION OF 1949

A resolution was reported in the House of Deputies by the Committee on Canons without recommendation but requesting it be placed on the calendar as follows:

Resolved, the House of Bishops concurring, That Canon 26, Sec. 1, (b), be amended by adding at the end thereof the following paragraph:

“Before the admission of a Postulant, the Bishop shall also require of him a certificate signed by his Rector and Vestry similar to that required of Candidates in Canon 27, Sec. 1 (4) or the succeeding pertinent sections of Canon 27, save that the Certificate herein required shall be addressed to the Bishop.”

By error this report was not placed on the calendar.

CONVENTION OF 1952

At this Convention the Committee on Canons of the House of Deputies reported as follows on a resolution proposing an amendment of Section 1 (b) of this canon:

The Committee on Canons reports that it has reconsidered the resolution offered by Dr. Everett S. Wallis of New Jersey as follows:

Resolved, The House of Bishops concurring, that Canon 26 (Of Postulants) Sec. 1 (b), be amended by inserting after the sentence in line 26 the following sentence: “The Bishop shall require a recommendation from the Postulant’s Rector and Vestry of the same character as that required of Candidates in Canon 27, Sec. 1 (iv).”

After hearing argument in support of and opposition to the resolution and further consideration of the subject the Committee believes the following resolution preferable:

Resolved, The House of Bishops concurring, that Canon 26, Sec. 1 (b), be amended by adding in line 26 of said Section at the end of Clause (b) the following sentence:

“The Bishop may require from the Postulant’s Rector and Vestry a certificate in the following words: To the Bishop of ———, we, whose names are hereunder

written, testify to our belief (based on personal knowledge or on evidence satisfactory to us) that A.B. is sober, honest, and godly, and that he is a communicant of this Church in good standing. We do furthermore declare that, in our opinion, he possesses such qualifications as fit him to be admitted a Postulant for Holy Orders.

Whenever such a recommendation is required a copy shall be filed with the Standing Committee of the Diocese or Council of Advice of the Missionary District."

The Committee calls the attention of the House to the fact that in the substitute submitted the provision for a recommendation is permissive and that it also provides for filing a copy with the Standing Committee or Council of Advice.

The House having adopted the substitute, the House of Bishops concurred.

The effect of the amendment is to give a bishop discretion before admitting a postulant, to require from his rector and vestry a certificate similar to that required of a candidate under Canon 27, Sec. 1 (iv), which, when required, is to be filed with the standing committee or council of advice.

The following resolution was also presented in the House of Deputies:

Resolved, The House of Bishops concurring, that Canon 26, Sec. 3 (b), be amended by the addition of the following:

When a man, seeking Candidate status, has been rejected in any Diocese or Missionary District, for cause; and then applies for such status to other Ecclesiastical Authority in this Church; written notice of the previous rejection must be given, thirty days in advance, to Members of the Standing Committee, or Bishop's Committee. Furthermore, in order to give assistance in determining the fitness of the man, the written advice of a qualified psychiatrist, and a Dean of a Seminary of this Church, both having personal knowledge of the man, must be presented to the Standing Committee, or Bishop's Committee. If the majority of the Standing Committee, or Bishop's Committee, votes to recommend to the Bishop the acceptance of the man, the members of that majority must each sign the recommendation.

The Committee on Canons, having reported that it believed the purpose sought was already achieved by Sections 1 (b), 3 (a), and 3 (b) of the canon, was discharged from further consideration.

SECTION 5

This section relates to the literary qualifications of a postulant, and the steps he must take in case such qualifications are not sufficient to satisfy the provisions of the canon.

CONVENTION OF 1820

The first legislation on this subject was enacted by the Convention of 1820, as Canon 8, which read as follows:

In addition to the testimonials produced by a person wishing to become a candidate for Holy Orders as prescribed by the seventh canon, he must lay before the Standing Committee a satisfactory diploma, or certificate from the instructors of some approved literary institution, or a certificate from two Presbyters appointed by the ecclesiastical authority of the diocese to examine him, of his possessing such academical learning as may enable him to enter advantageously on a course of theology.

When a person applying to be admitted as a candidate, wishes the knowledge of the Latin and Greek languages and other branches of learning not strictly ecclesiastical to be dispensed with, the Standing Committee shall not recommend him as a candidate until he has laid before them a testimonial signed by at least two Presbyters of the Church, stating that in their opinion he possesses extraordinary strength of natural understanding, a peculiar aptitude to teach and a large share of prudence.

We are told by Bishop White in his *Memoirs* (p. 44) that this canon was enacted for the purpose of requiring from a postulant evidence of the extent of his attainments in those subjects which were required in his first examination for Deacon's Orders, before he was received as a candidate. It was felt that after a person became a candidate he should be able to devote his whole time to theological studies, which would be impossible if he was obliged to devote a part of that time to the study of the languages and other non-theological subjects.

While this was the object of the canon, it does not seem to have been observed, as these same topics were still made the subjects of the first examination for deacon's orders.

CONVENTION OF 1832

In the general revision of the canons made by the Convention of 1832, all former canons on the subject of ordination were combined in one canon, Canon 9 of that year, and Canon 8 of 1820 was made Sections 3 and 4 thereof, and amended to read as follows:

Sec. 3. In addition to the above testimonials, the person wishing to become a candidate must lay before the Standing Committee a satisfactory diploma; or a certificate from the instructor or instructors of some approved literary institution, which certificate must state what have been his studies, and the extent of his improvement in them; or a certificate from two Presbyters appointed by the ecclesiastical authority of the Diocese to examine him, of his possessing such academical learning as may enable him to enter advantageously on a course of theology.

Sec. 4. When a person, applying to be admitted a candidate, wishes the knowledge of the Latin, Greek, and Hebrew languages, and other branches of learning not strictly ecclesiastical, to be dispensed with, the Standing Committee shall not recommend him as a candidate until he has laid before them a testimonial, signed by at least two Presbyters of this Church, stating that in their opinion he possesses extraordinary strength of natural understanding, a peculiar aptitude to teach, and a large share of prudence; and the Bishop with the consent of a majority of the Clerical Members of the Standing Committee, shall have granted said dispensation. This dispensation shall not be granted to any person under twenty-seven years of age, nor shall any person be ordained under such a dispensation until he shall have attained thirty years of age. And in regard to the knowledge of the Hebrew language in all cases in these Canons, the Bishop shall have the sole discretion of dispensation, without reference to the age of the candidate as mentioned in this section.

CONVENTION OF 1838

This Convention made a slight change, but an important one, in Section 4, by striking out the words "a majority of the Clerical members of" in the thirteenth and fourteenth lines thereof.

Under the former canon, the bishop's exercise of the dispensing power depended upon the consent of a majority of the clerical members of the standing committee. The canon as now amended required the consent of the whole committee; lay as well as clerical.

We are told by Dr. Hawks (*Con. and Canons*, p. 143) that "The reasons assigned in the discussion before the General Convention, for making this change, were chiefly two. First, it was said (and we believe with some truth) that the clerical members of a committee were sometimes more easily induced than they should be, to assent to a dispensation, when they knew the bishop wished it. The laity, it was supposed, would be more firm in a refusal where it was proper to refuse. Secondly, it was urged that in the particulars enumerated in Section 4, as furnishing grounds for a dispensation, the laity were, to say the least, as likely to be competent judges of their existence as clergymen; and in the opinion of many, their more extensive acquaintance with the affairs of the world made them better judges than the clergy generally were."

CONVENTION OF 1841

This Convention amended Section 3 of Canon 9, to read as follows:

Sec. 3. In addition to the above testimonials, the person wishing to become a Candidate must lay before the Standing Committee a satisfactory diploma, or other satisfactory evidence that he is a graduate of some University or College, or a cer-

tificate from two Presbyters appointed by the Bishop, or where there is no Bishop, the Clerical Members of the Standing Committee, to examine him, of his having satisfactorily sustained an examination in Natural Philosophy, Moral Philosophy, and Rhetoric, and in the Greek Testament, and the Latin tongue.

This is the first mention in the canons of the requirement that the postulant must be a college graduate, or in lieu of that, that he must have sustained an examination in certain studies. As will be noted, there is a constant advance in the literary requirements for postulants.

CONVENTION OF 1853

This Convention made Canon 9, of the Canons of 1841, Canon 7, and amended Section 4 by striking out the words "without reference to the age of the Candidate, as mentioned in this Section," at the end of said section. The words stricken out referred to the power of the bishop to dispense with a knowledge of the Hebrew language.

CONVENTION OF 1856

This Convention repealed Canon 7, of the Canons of 1841, and made Sections 3 and 4 of said canon, Sections 3 and 4 of Canon 5, Of the Ordination of Priests, and amended the third section by striking out the words "in addition to the above testimonials, the person wishing to become," at the beginning of said section, and substituting therefor the following: "Every person wishing to become."

Section 4 was amended by striking out the first three words of said section as follows: "When a person," and substituting in place thereof the following: "When a Deacon."

CONVENTION OF 1859

In the revision of the canons by this Convention, Canon 5 of the Canons of 1856, was made Canon 7 of Title I, but no amendment was made to Sections 3 and 4.

CONVENTION OF 1871

In the revision of the canons of ordination by this Convention, Section 3, of Canon 7, Title I, of the Canons of 1859, was made Section 4 (ii), (iii) of Canon 2, Title I; and Section 2, Canon 4, Title I, as follows:

Sec. 4. (ii) If the Postulant desires to be *Candidate for Priesthood*, as well as for the Diaconate, he must lay before the Bishop a satisfactory diploma, or other satisfactory evidence, that he is a graduate in arts of some university or college in which the learned languages are duly studied; and if the Bishop be not fully

satisfied of the sufficiency of such diploma, he may remit the same, for consideration and advice, to the Standing Committee of the Diocese.

(iii) But if the Postulant desiring to be Candidate for the Priesthood be not a graduate as aforesaid, he shall be remitted by the Bishop to the Examiners of Candidates for Priesthood, for examination as prescribed in the Canon of Examinations. In a case of emergency, the Bishop may appoint any two learned Presbyters to hold such examination.

Sec. 2. (i) An *examination of the literary qualifications* of a Postulant or Candidate shall extend to his knowledge of the English language and literature, and at least the first principles and general outlines of logic, rhetoric, mental and moral philosophy, physics and history, and the Latin and Greek languages.

(ii) A distinct report of the subjects of examination, and the satisfaction given in each, shall be made by the Examining Chaplains.

(iii) The examination may be adjourned, or repeated after an assigned period, at the discretion of the Examining Chaplains.

(iv) Such examinations shall be made as prescribed in Canon 2, (iii).

Section 4 of Canon 7, Title I, of the Canons of 1859, was made Section 4 of Canon 2, Title I, and amended to read as follows:

Sec. 4. (i) When a Postulant for admission as a Candidate for Priest's Orders wishes a knowledge of the Latin, Greek, and Hebrew languages, and other branches of learning not strictly ecclesiastical, to be dispensed with, he shall communicate his wish to the Bishop.

(ii) If the Bishop, on consideration of the circumstances of his case, encourage him to proceed, he shall procure and lay before the Standing Committee a testimonial, signed by at least two Presbyters of this Church, certifying that in their opinion the Postulant possesses extraordinary strength of natural understanding, a peculiar aptitude to teach, and a large share of prudence, and adding any other reason for dispensation which they may believe to exist.

(iii) On the receipt of such testimonial, the Standing Committee, by a vote of two-thirds of all the members thereof, may proceed to recommend the applicant to the Bishop for the dispensation asked.

(iv) The Bishop may thereupon grant to the applicant a certificate of the dispensation required, for exhibition to his examiners.

(v) The Bishop shall have the sole discretion of dispensation with a knowledge of the Hebrew language in the case of any Candidate satisfactorily showing that its attainment by him is impracticable, and the Bishop's certificate of such dispensation shall exempt the bearer from examination on that subject only.

CONVENTION OF 1892

In the revision of the canons of ordination by the Convention of 1892, the provisions of Section 4 (ii) and (iii), and of Section 6 of Canon 2, Title I; also of Section 2, Canon 4, Title I, of the Canons of 1871,

were incorporated in Section 7 of Canon 3, Title I, and amended to read as follows:

Sec. 7. (i) If a Postulant desires to be admitted a candidate for Priest's Orders, he must also, in addition to the certificates hereinbefore mentioned, lay before the Bishop a satisfactory diploma, or other satisfactory evidence, that he is a graduate in Arts of some university or college in which the Latin and Greek languages are duly studied, and that he has had a thorough collegiate training in the same.

(ii) But if the Postulant desiring to become a Candidate for the Priesthood be not a graduate as aforesaid, he shall be remitted to the Examining Chaplains, to be examined as to his knowledge of the English language and literature, and at least the first principles and general outlines of logic, rhetoric, mental and moral philosophy, physics and history, and the Latin and Greek languages. In a case of emergency, the Bishop may appoint any two or more learned Presbyters to hold such examination.

(iii) Should a Postulant wish a knowledge of the Latin and Greek Languages, and other branches of learning not strictly ecclesiastical, to be dispensed with, he may make written application to the Bishop to that effect, specifying the studies with regard to which he wishes a dispensation, and the reasons for the application.

(iv) Together with the application, he shall lay before the Bishop a certificate signed by at least two Examining Chaplains of the Diocese, in the following words, viz.:

To the Right Reverend ———. Bishop of ———.

Place ———.

Date ———.

The undersigned, Examining Chaplains of the Diocese of ———, sensible of the serious responsibility assumed in doing anything to lower the standard of learning to be required of one who is to be admitted to the Priesthood, and set as a Teacher in the Church, yet (here specifying the reasons) do submit that in the case of A.B. the dispensation asked for may wisely be granted.

(Signed)

(v) The Bishop shall remit the application, accompanied by the aforesaid certificate to the Standing Committee, with such comments as he may think fit to be indorsed thereon.

(vi) Should the Standing Committee approve the said application, they may, by a vote of not less than two-thirds of their whole body, recommend that the request of the Candidate be granted.

CONVENTION OF 1904

In the revision of the Digest of Canons by this Convention, Canon 3, Section 7, of the Canons of 1892, became Canon 2, Section 5, and was amended to read as follows:

Sec. 5. (i) The Postulant before his admission as a Candidate for Holy Orders, must lay before the Bishop satisfactory evidence that he is a graduate in Arts of

some university or college in which he has duly studied the Latin and Greek languages.

(ii) If the Postulant be not a graduate as aforesaid, he shall be remitted by the Bishop to the Examining Chaplains, to be examined in the Latin and Greek languages; and, if he be not a graduate in Science or Letters or Philosophy, he shall be examined also as to his knowledge of the English language and literature, Mathematics, Geography, History, Logic, Rhetoric, and the elements of Philosophy and Natural Science; and the examiners shall report to the Bishop in writing whether the said examinations have been satisfactorily sustained.

(iii) Should the Postulant be unable to sustain the examination in the Latin and Greek languages, or either of them, or in other branches of learning not strictly Ecclesiastical, he may make a written application to the Bishop for a dispensation, until he shall have been ordered Deacon, specifying the studies with regard to which he desires such dispensation, and the reasons for the application. With this application, he shall lay before the Bishop a certificate, signed by at least two Examining Chaplains of the Diocese, in the following words, viz.:

To the Right Reverend ———. Bishop of ———.

Place ———.

Date ———.

We, Examining Chaplains of the Diocese of ———, sensible of the serious responsibility assumed in doing anything to lower the standard of learning to be required of one who is to be admitted to Holy Orders and made a teacher in the Church, yet submit that in the case of A.B. the dispensation asked for may wisely be granted, for the following reasons:

(Signed)

The Bishop shall send the application and the aforesaid certificate to the Standing Committee; and the Standing Committee, at a meeting duly convened, may, by a vote of not less than three-fourths of all the members, recommend that the request of the Postulant be granted.

The principal changes made in this section by the amendments were as follows: In the former canons the postulant was not required to produce a college diploma unless he was a candidate for priest's orders, while under this section he was obliged to lay before the bishop satisfactory evidence that he was a college graduate if he desired to become a candidate for Holy Orders. The distinction between a postulant for deacon's orders and one for priest's orders, so long recognized in the canons, seems to have been eliminated. The subjects for examination required of a postulant who was not a graduate as aforesaid were materially increased. The postulant might now apply for a dispensation from Latin or Greek, "until he shall have been ordered Deacon." Formerly, the standing committee might recommend that a dispensation be granted by a two-thirds vote, now a three-fourths vote was required.

CONVENTION OF 1919

This Convention made a thorough revision of the canons of ordination and amended this section very materially.

In clause (i), the postulant was not obliged to be a graduate in arts of some college or university, only a graduate of some college or university, but he must make a full statement of the work done by him in college. If such work met the requirements specified in the next clause, then no further examination was required in such subjects, but if not, then he must submit to such an examination as might be necessary to fulfill its requirements.

Clause (ii) enumerated the subjects in which the examination was to be had, in case the postulant was not a college graduate. These subjects were defined more specifically than in the former canons.

Clause (iii), relating to dispensations from Latin and Greek, does not differ materially from the former provisions, except that, while before the dispensation was to continue only until he had been ordered deacon, no limitation was now placed on such dispensation.

Clause (iv), relating to special dispensations, was a new provision, made to meet the cases of men seeking Holy Orders later in life than the majority of postulants, and men who had shown success in business or professional life. Upon the recommendation of the Board of Examining Chaplains, the bishop was given the power to dispense him from all the examinations required in clause (ii) except such as were specified in this clause.

Clause (v), relating to dispensations for postulants of other race and speech, was entirely new. Such postulants might be exempted from all preliminary literary examinations except those specified in clause (iv), provided he was to exercise his ministry among people of his own race in the United States. But if he was to exercise it among his own people in a foreign missionary district, then the bishop might dispense him from such examination, provided that he could satisfy the bishop and the Board of Examining Chaplains that he had sufficient ability and education to pursue his studies for the ministry.

It should be noted that the canon for the first time recognizes a Board of Examining Chaplains, not merely examining chaplains as before. This fact will be commented upon later in our consideration of Section 6.

Clause (vi), relating to a dispensation from the literary examinations for postulants from other Christian bodies, was a new provision. While

the former canons provided for a dispensation in the matter of time required before such a postulant could be ordained to the diaconate, there was no former provision before the enactment of this clause by the Convention of 1919, exempting such a postulant from the literary examinations required of other postulants.

Clause (vii) was also a new provision. While the former canons required that a candidate who had been refused ordination in one diocese should not be ordained in another diocese without a certificate from the bishop or standing committee of the diocese in which he had been refused such ordination, stating the reasons for such refusal, there had been no provision for the transfer of a postulant who had been examined in the subjects required of a postulant.

Clause (viii), permitting the Board of Examining Chaplains to accept satisfactory evidence in lieu of the examinations specified in the canons required of postulants, was likewise a new provision.

CONVENTION OF 1943

At this convention, in renumbering, Canon 1 became Canon 25, and Canon 2 became Canon 26.

CONVENTION OF 1946

At this convention, Canon 25 of 1943 Of Postulants became Canon 26 and Canon 26 of 1943 Of Candidates for Holy Orders became Canon 27.

In addition, as above stated, Sections 5 and 6 of the old Canon 26 Of Candidates for Holy Orders were transposed to become Sections 5 and 6 of the new Canon 26 Of Postulants. Thus, Sections 7 and 8 of the old canon relating to candidates (Canon 26 in 1943) became Sections 5 and 6 of the new canon on the same subject (Canon 27 of 1946), as they are now numbered.

In addition to transposing these two sections, they were amended to read as at present. These amendments were recommended by the Standing Joint Commission on Theological Education. (*Jour. pp. 642-643*) The Journal shows that all the amendments recommended by this joint commission were adopted by both houses, with an emendation to make the amended canon read as at present. (*Jour. p. 312*) The detailed changes in the subjects for examination and in dispensation from Latin, etc. will appear by a comparison of the present canon with the former.

SECTION 6

CONVENTION OF 1871

The first provision of any canon that the examining chaplains were to make a report to the bishop on the result of the literary examinations of a postulant was contained in Title I, Canon 2, Section 4 (iv), of the Canons of 1871, which read, in part as follows:

(iv) On satisfactory evidence of a degree in arts, or report of satisfaction by examiners, the Bishop may, after personal conference with Postulant, admit him to be a *Candidate for Priest's Orders*.

In the revision of the canons of ordination by the Convention of 1892, this provision seems to have been omitted.

CONVENTION OF 1904

In the revision of the Digest of Canons by the Convention of 1904, the provision of the Canons of 1871, that the examining Chaplains were to make a report to the bishop on the result of the literary examinations of the postulant, was incorporated in Canon 2, Section 5 (ii), the closing sentence of which read as follows:

and the examiners shall report to the Bishop in writing whether the said examinations have been satisfactorily sustained.

CONVENTION OF 1919

In the revision of the canons of ordination by this Convention, the provision for the report of the examining chaplains was made Section 6 of Canon 2, as it now stands.

The provisions for the report of the examining chaplains before the present section was enacted, were somewhat vague. The course now provided seems much more orderly and correct. The board is now to make their report to the bishop in writing, stating the results of the examination, and the bishop then transmits this report to the standing committee or council of advice.

CONVENTIONS OF 1943 AND 1946

The actions of these conventions are sufficiently summarized (*supra*). In reference to Section 6 the effect of the 1946 amendment was to drop the requirement that the bishop, in transmitting the report of

the Board of Examining Chaplains to the standing committee or council of advice, must include a "statement of any dispensations granted."

EXPOSITION OF CANON 26

The most important legislation affecting this canon since the first edition of this book has been the provision of Section 5 with respect to educational qualifications which must be shown by a postulant.

Section 5 of the present canon is taken from former Canon 2, Section 5, which governed the admission of a postulant as a candidate for Holy Orders, the result being that the test for candidates is now applicable to postulants.

Under Section 5 (a) a postulant "before entering upon his course of theological studies" must satisfy the bishop that he is a college or university graduate, laying before the bishop a full statement of the work done in such college or university.

The bishop must be satisfied with such work, and if not, the postulant must satisfy the Board of Examining Chaplains that he possesses the intellectual ability to enter with advantage upon a course of study.

The procedure in such an event is not defined. It would seem that Section 5 applies to one who has been accepted as a postulant by the bishop. Unless eligible for special dispensation he then enters upon his course of theological studies after satisfying the bishop of his education or the Board of Examining Chaplains of his intellectual ability.

The only report specifically required of the Board of Examining Chaplains in this canon is found in Section 6 which prescribes a report "whether these examinations have been sustained." The examinations prescribed in this canon are contained in Section 5 (b) and apply only to postulants who are not graduates of a college or university or whose work has been found not to have included sufficient instruction in the subjects enumerated.

Turning to the procedure prescribed in Canon 27 for Holy Orders we find a requirement in Section 5 that the standing committee receive the report of the Board of Examining Chaplains required in Canon 26, Section 6.

It is not until he reaches the stage of ordination to the diaconate that a postulant or candidate is subjected to examinations by the chaplains

if he is a college or university graduate whose work is not deemed sufficient.

A person who desires to become a postulant must first consult his immediate pastor or, if he have none, some priest to whom he is personally known.

If, after inquiry into the physical, mental, moral, and spiritual qualifications of the applicant, he is counselled to persevere, he makes his desire known to the bishop of the diocese in which he has been canonically resident three months, personally if possible or in writing.

The diocesan may consent in writing, on the recommendation of a priest of the diocese personally acquainted with the applicant, that he apply to some other bishop.

There is a physical examination if the bishop entertains the application, the record of which is preserved for submission when the postulant applies for recommendation as a candidate.

The information to be supplied to the bishop is then prescribed as well as a book of record to be kept by the bishop of approval, disapproval, and removal from the list of postulants.

It is provided that the bishop may remove from his list without further reason the name of any postulant who fails to be admitted as a candidate within four years from the date of his reception as a postulant, and a postulant must report four times a year in the Ember weeks to the ecclesiastical authority, and if he fails to report satisfactorily his name may be removed.

The process is prescribed for a person who has been refused as a postulant, or who has ceased to be a postulant in any other diocese or missionary district than the one in which he applies; and if such a person is accepted, the certificate from the ecclesiastical authority of that jurisdiction must be sent to the standing committee to be considered by it if the postulant applies for admission as a candidate. (Sec. 3 (b) should be amended to include Councils of Advice in this requirement.)

A standing committee acting as ecclesiastical authority may receive and act upon applications.

Educational qualifications are then prescribed which, under the amendment of 1946, a postulant must meet, and provision made for a report to the bishop of the Board of Examining Chaplains in cases already described.

CANON 27

Of Candidates for Holy Orders

Mode of
application
to Standing
Committee

SECTION 1. A Postulant, having been duly received, may apply to the Standing Committee of the Diocese or the Council of Advice of the Missionary District, in which he is a Postulant, for recommendation to the Bishop to be admitted a Candidate for Holy Orders, and shall submit the following papers, viz.:

- (1). An application signed by himself.
- (2). The Bishop's certificate of his admission as a Postulant.
- (3). A certificate from the Theological Seminary where he is studying, or from the clergyman under whose direction he is pursuing his studies, showing his scholastic record and personal qualifications for the Ministry of this Church as revealed by one year's work.
- (4). A certificate in the following words:

To the Standing Committee of

Place,

Date,

We, whose names are hereunder written, testify to our belief (based on personal knowledge or on evidence satisfactory to us) that A. B. is sober, honest, and godly, and that he is a communicant of this Church in good standing. We do furthermore declare that, in our opinion, he possesses such qualifications as fit him to be admitted a Candidate for Holy Orders.

(Signed)

This certificate must be signed by the Minister of the Parish to which the Postulant belongs and by a majority of the whole Vestry, and must be attested by the Minister, or by the Clerk or Secretary of the Vestry, as follows, viz.:

I hereby certify that the foregoing certificate was signed at a meeting of the Vestry of

Parish, duly convened at

day of

on the
, and

that the names attached are those of all (or a majority of all) the members of the Vestry. (Signed)

The Minister of
or Clerk or Secretary of Vestry.

SEC. 2. But should the Parish be without a Minister, it shall suffice that in his place the certificate from the Vestry be signed by some Presbyter of the Diocese or Missionary District in good standing to whom the Postulant is personally known, the reason for the substitution being stated in the attesting clause.

If parish has
no Minister,
Certificate
may be
signed
by some
Presbyter

SEC. 3. (a). Should there be no organized Parish at the place of residence of the Postulant, or should it be impracticable, through circumstances not affecting his moral or religious character, to obtain the signatures of the Minister and Vestry, or of the Vestry, it may suffice if the certificate be signed by at least—

If there be
no Parish,
by whom
certificate is
to be signed

(1). One Presbyter of the Diocese or Missionary District in good standing to whom the Postulant is personally known; and,

(2). Four Laymen, communicants of this Church in good standing, to whom the Postulant is personally known.

(b). In such case, the reasons for departing from the regular form must be given in the attesting clause, which shall be signed by the same, or some other Presbyter of this Church in good standing, and shall be in the following words, viz.:

Reasons for
this form of
certificate to
be stated

I hereby certify that the Laymen whose names are attached to the foregoing certificate are communicants of this Church in good standing, and that this form of certificate was used for no reasons affecting the moral or religious character of the candidate, but because (here give the reasons for departing from the regular form).

(Signed)

Presbyter of the Diocese, or Missionary
District of

If Postulant
has been a
Minister of
another
Christian
body, who
shall sign
Certificate

SEC. 4. (a) Should the Postulant have been a Minister or Licentiate in some other body of Christians, instead of the certificate required in Sec. 1 (4), he shall submit a certificate in the following words:

To the Standing Committee of

Place,

Date,

We, whose names are hereunder written, testify to our belief (based on personal knowledge, or on evidence satisfactory to us) that A. B. is sober, honest, and godly. We do furthermore declare that in our opinion, he possesses such qualifications as fit him to be admitted a Candidate for Holy Orders.

(Signed)

This certificate may be signed by—

(1). Eight adult male members in good standing of the denomination from which the applicant has come, or

(2). Eight adult Laymen, members in good standing of this Church, or

(3). Eight adult male members in good standing, in part lay members of this Church and in part members of the denomination from which the applicant has come.

Signatures to
be attested

(b). The genuineness of the signatures to such certificate and the good standing of the signers must be attested by some person or persons known to a member of the Standing Committee, or under the seal of a Notary Public, in the following words, viz.:

I do hereby certify that the names attached to the foregoing certificate are genuine, and are those of persons in good standing, members of (as the case may be).

(Signed)

Further
certificate
required

(c). He shall also lay before the Standing Committee or the Council of Advice a certificate signed by two Presbyters of this Church known to the Committee, in the following words, viz.:

To the Standing Committee of

Place,

Date,

We do hereby certify that we are personally acquainted with A. B.; that he has become a communicant of this

Church, and that we believe him to be sober, honest, and godly. Furthermore we are satisfied after personal examination and due inquiry concerning him as to his former religious relations, that he accepts the Doctrine, Discipline, and Worship of this Church, and that his change of relations has not arisen from any circumstances unfavorable to his moral or Christian character, or on account of which it may not be expedient to admit him to the Ministry of this Church.

(Signed)

SEC. 5. The Standing Committee, on receipt of the report of the Board of Examining Chaplains required in Canon 26, Sec. 6, and of the certificate or certificates as above prescribed, and after investigation, having no reason to suppose the existence of any sufficient objection on grounds either physical, mental, moral, or spiritual, to the admission of the applicant, may, at a meeting duly convened (a majority of all the members consenting), recommend the Postulant for admission to Candidateship, by a testimonial bearing the signatures of a majority of all the members of the Committee, and addressed to the Bishop, in the following words, viz.:

Form of
testimonial
from
Standing
Committee

To the Right Reverend Bishop of

We, being a majority of all the members of the Standing Committee of _____, and having been duly convened at _____, do testify, that from personal knowledge or from certificates laid before us, we are well assured that A. B. is sober, honest, and godly; and that he is a communicant of this Church in good standing; and we do furthermore declare that, in our opinion, he possesses qualifications which fit him to be admitted a Candidate for Holy Orders.

In witness whereof, we have hereunto set our hands,
this day of in the year of our Lord
(Signed)

This testimonial shall be presented to the Bishop without delay.

If approved,
the Bishop
to record
in a book

SEC. 6. When the aforesaid requirements have been complied with, the Bishop may admit the Postulant as a Candidate for Holy Orders. He shall thereupon record his name, with the date of his admission, in a book to be kept for that purpose, and shall inform the Candidate and the Secretary of the Standing Committee of the fact and date of such admission.

There are no canons that have been more often amended and revised than the canons relating to ordination. Great difficulty seems to have been encountered from the very beginning in framing canons that would provide proper regulations for men seeking Holy Orders. Memorials from dioceses, bishops, examining chaplains, and professors in theological seminaries were continually being presented to the General Convention praying for an interpretation of some section or provision of these canons. The one canon that probably caused more dissatisfaction than any other was the Canon Of Candidates for Orders. For many years, instead of grouping all the provisions relating to candidates for orders in one canon, separate canons were enacted to cover certain provisions, and even when attempts were made to codify these separate canons, different revisions would place similar provisions in different canons. This fact makes it somewhat difficult to consider Canon 27 as a whole.

CONVENTION OF 1808

The first legislation of General Convention on this subject was Canon 7, of the Canons of 1808, which read as follows:

Every person who wishes to become a candidate for orders in this Church, shall give notice of his intention to the Bishop, or to such body as the Church in the Diocese or State in which he intends to apply for orders may appoint, at least one year before his ordination.

No person shall be considered as a candidate for orders in this Church, unless he shall have produced to the Bishop of the Diocese or State to whom he intends to apply for orders, a certificate from the Standing Committee of said Diocese or State, that they believe, from personal knowledge, or from testimonials laid before them, that he hath lived piously, soberly, and honestly; that he is attached to the doctrines, discipline, and worship of the Protestant Episcopal Church; and further, that in their opinion he possesses such qualifications as may render him apt and meet to exercise the ministry to the glory of God and the edifying of the Church.

With this enumeration of qualifications, it ought to be made known to the candidate, that the Church expects of him, what can never be brought to the test of any

outward standard—an inward fear and worship of Almighty God; a love of religion, and sensibility to its holy influence; an habit of devout affection; and, in short, a cultivation of all those graces which are called in Scripture the fruits of the Spirit, and by which alone his sacred influence can be manifested.

The Bishop may then admit the person as a candidate for orders.

In any State or Diocese where there is no Bishop, the Standing Committee may, on the evidence aforesaid, admit the person as a candidate; unless the person should be desirous of being considered as a candidate for orders in some State or Diocese where there is a Bishop.

A candidate for orders may, on letters dismissory from the Bishop by whom he was admitted as a candidate, be ordained by any other Bishop of this Church.

Although standing committees were introduced into the canons of the Church many years before the enactment of this canon, and for the express purpose of judging of the fitness of candidates, this is the first legislation of General Convention to prescribe the particulars to be included in the testimonial of the standing committee.

Bishop White tells us (*Memoirs*, p. 250) that there was a very decided difference of opinion between the two houses of Convention regarding the paragraph in the canon relating to the cultivating by the candidate of Christian graces. In the canon as approved by the House of Deputies and sent to the House of Bishops, among the matters to be inquired into, was the party's possession of a "practical knowledge of religion." It seems that it had been inserted by the House of Deputies in order to get rid of the expression "experimental knowledge." The bishops did not see how the candidate could satisfy his examiners as to this point, on any other evidence than that of his own declaration, the requiring of which was thought liable to abuse. Accordingly, they preferred to leave out the clause concerning "practical knowledge," and that after the other requisitions, there should be inserted an admonition to the candidate, of there being required of him those inward graces, which cannot be brought to an outward standard, and are named in Scripture, "the fruits of the Spirit"—by which alone his sacred influence can be known.

The House of Bishops sent down to the other House, with their amendments, a paper to guard against any misunderstanding of the views of the bishop "with respect to the necessity of pious affections, produced by the grace of God upon the heart." In spite of strong opposition, and after a long debate, the amendment proposed by the House of Bishops was concurred in by the House of Deputies.

CONVENTION OF 1823

This Convention repealed the first paragraph of Canon 7, of the Canons of 1808, and enacted Canon 1, of that year, in its place, reading as follows:

Every person who desires to become a candidate for orders in this Church, shall obtain admission from the Bishop, or such body as the Church in the Diocese or State in which he intends to apply may appoint, at least one year before his ordination.

The former canon required one year's previous notice of *intention* to become a candidate to be given to the bishop before ordination; the Canon of 1823 required one year's previous *admission* as a candidate before ordination. We are told by Bishop White (*Memoirs*, p. 249), that "this canon was intended for any case of insufficiency of a candidate, in classical and scientific literature, and with a view of arresting him at an early period of his intended devotion to the ministry; and to prevent disappointment, after considerable time spent in theological study."

CONVENTION OF 1826

This Convention repealed Canon 1, of the Canons of 1823, and practically re-enacted the first paragraph of Canon 7, of 1808, as Canon 1, of that year, except that in place of the words at the end of said paragraph "at least one year before his ordination," were substituted the following words:

and if after obtaining the canonical testimonials from the Standing Committee, he be admitted as a candidate by the Bishop, or if there be no Bishop, by such body as the Church in the Diocese or State in which he intends to apply may appoint, he shall remain a candidate for the term of three years before his ordination, unless the Bishop, with the advice and consent of the clerical members of the Standing Committee, shall deem it expedient to ordain the candidate, after the expiration of a shorter period, not less than one year.

Under this provision of the canon requiring a term of three years' study, arose a question as to the rights of the standing committee in the matter of shortening the time of study. The case as related by Dr. Hawks (*Con. and Canons*, p. 138) was as follows: "Two gentlemen, graduates of Cambridge University, who had been prosecuting their theological studies for *two* years, were desirous of being admitted to deacon's orders. Bishop Griswold of Massachusetts, to whose diocese they belonged, was willing to admit them, and addressed to the clerical members of the Standing Committee of Massachusetts, a letter stating

his satisfaction with the examination of the young gentlemen, and requesting them to concur with him in dispensing with the residue of the three years required by the Canon. There were two clerical members of the Standing Committee, and they refused to dispense with the full time of three years required by the Canon. This proceeding on their part led to discussion, in which the origin and rights of Standing Committees were commented upon. On the one hand, it was said that they were but a council of advice, and never designed to be a board of control over the bishop; and it was more than intimated that his wishes in the case should have furnished the rule for their conduct. On the other hand, it was contended that the canon, by rendering their assent necessary, of course gave them power of withholding it whenever their conscience required them to do so, and that the bishop's will (however much entitled to respect), was not to be their rule."

CONVENTION OF 1832

In the revision of the canons by this Convention, Canon 9, Of Candidates for Orders was enacted. The first section of the canon related to postulants, and has already been considered under Canon 1.

None of the other provisions of the canon apply to the section we are now considering.

CONVENTION OF 1856

This Convention enacted Canon 4, Of Deacons, the fifth section of which read, in part, as follows:

Sec. 5. But before a Standing Committee shall proceed to recommend any Candidate as aforesaid, to the Bishop, such Candidate shall produce from the Minister and Vestry of the Parish where he resides, or from the Vestry alone, if the Parish be vacant, or if there be no Vestry, from at least twelve respectable persons of the Protestant Episcopal Church, testimonials of his piety, good morals, and orderly conduct in the following form:

"We whose names are hereunder written do testify, from evidence satisfactory to us, that A.B. for the space of three years last past, hath lived piously, soberly, and honestly: and hath not, so far as we know or believe, written, taught, or held anything contrary to the doctrine, or discipline of the Protestant Episcopal Church; and moreover, we think him a person worthy to be admitted to the sacred Order of Deacons. In witness whereof, we have hereunto set our hands, this —— day of ——, in the year of our Lord ——."

The remainder of the section related to the subject matter of present Section 2, and will be considered later.

In the revision of the canons by the Convention of 1859, this section was made Section 4 of Canon 5, of Title I, but without amendment.

CONVENTION OF 1871

This Convention made a complete revision of the canons of ordination with some attempt to codify them. Title I, Canon 5, Section 4, of the Canons of 1859 was made Title I, Canon 2, Section 3, and amended to read, in part as follows:

Sec. 3. (i) The Postulant for admission to Candidateship may at any time, after application to the Bishop duly made, apply to the Standing Committee of the Diocese for recommendation to the Bishop for admission as a Candidate.

(ii) In order thereto he shall, with his application, lay before the Committee *testimonials*, in the following words:

We, whose names are hereunder written, testify, from our personal knowledge and belief, that A.B. is pious, sober, and honest; that he is attached to the doctrine, discipline, and worship of the Protestant Episcopal Church, and that he is a Communicant of the said Church in good standing; and do furthermore declare that, in our opinion, he possesses such qualifications as fit him for entrance on a course of preparation for the Holy Ministry.

(iii) Such testimonials shall be signed either by the Rector and a majority of the Vestry of the Parish or Congregation to which the Postulant may belong, said Vestry being duly convened, and this fact being explicitly stated on the face of the testimonials, or, in circumstances, justifying such alternative, by at least one Presbyter and four respectable Laymen, Communicants of the Protestant Episcopal Church.

The remainder of the section related to provisions covered by other sections of the present canon.

CONVENTION OF 1892

In the revision of the canons of ordination by the Convention of 1892, Title I, Canon 2, Section 3, of the Canons of 1871 was made Title I, Canon 3, Section 3, and amended to read as follows:

Sec. 3. A Postulant, having been duly received, may thereafter apply to the Standing Committee for a recommendation to the Bishop for admission as a Candidate for Holy Orders; and he shall then lay before the Standing Committee the following papers, viz.:

(a) An application signed by himself.

(b) The Bishop's approval, in writing, of his desire to become a Candidate.

(c) A certificate in the following words:

(This certificate is practically the same as in the former Canon.)

This certificate must be signed by the Minister of the Parish to which the applicant belongs, and by a majority of the whole Vestry, and must be attested by the

Minister, or by the Secretary of the Vestry, as follows:

I hereby certify that the foregoing certificate was signed at a meeting of the Vestry of ——— Parish, duly convened at ——— on the ——— day of ——— and that the names attached are those of all (or a majority of all) the members of the Vestry.

(Signed)

Minister or Secretary.

CONVENTION OF 1904

In the revision of the Digest of Canons by this Convention, former Canon 3 became Canon 2, and former Section 3 of said canon was made Section 1 of Canon 2, and amended to read as follows:

Sec. 1. A Postulant, having been duly received, may apply to the Standing Committee of the Diocese or the Council of Advice of the Missionary District, in which he is a Postulant, for recommendation to the Bishop to be admitted as a Candidate for Holy Orders, and shall submit the following papers, viz.:

- (a) An application signed by himself.
- (b) The Bishop's certificate of his admission as a Postulant.
- (c) A certificate in the following words:

To the Standing Committee of ———.

Place ———.

Date ———.

We, whose names are hereunder written, testify to our belief, (based on personal knowledge or on evidence satisfactory to us) that A.B. is sober, honest, and godly; and that he is a communicant of this Church in good standing. We do furthermore declare that, in our opinion, he possesses such qualifications as fit him to be admitted a candidate for Holy Orders.

(Signed)

This certificate must be signed by the Minister of the Parish to which the Postulant belongs and by a majority of the whole vestry, and must be attested by the Minister, or by the Clerk or Secretary of the Vestry, as follows, viz.:

I hereby certify that the foregoing certificate was signed at a meeting of the Vestry of ——— Parish, duly convened at ——— on the ——— day of ——— and that the names attached are those of all (or a majority of all) the members of the Vestry. (Signed)

The Minister of ——— or Clerk or Secretary of Vestry.

CONVENTION OF 1919

In the revision of the canons of ordination by the Convention of 1919, no change was made in this section.

CONVENTION OF 1940

At this Convention Section 1 (c) was amended to read as follows:

(c) A certificate from the Theological Seminary where he is studying, or from the

clergyman under whose direction he is pursuing his studies, showing his scholastic record and personal qualifications for the Ministry as revealed by one year's work.

It was at this Convention that a new canon numbered 12 Of Theological Education, now Canon 30, was adopted.

The amendment of Canon 2, Section 1 (c), resulted in the scholastic record of the postulant rather than the satisfaction of his teachers being presented.

CONVENTION OF 1943

At this Convention an amendment of Section 1 (c), was proposed in the House of Bishops and not adopted which would have added the following:

Provided, that, in the case of a Postulant who has enlisted in some branch of the armed forces of the United States of America and is undergoing the training prescribed by such branch for admission to its Chaplains Corps, said certificate may be asked and given on the basis of work.

At this Convention Canon 2 was renumbered Canon 26 and the clauses of the various sections were numbered as they are today instead of being lettered.

CONVENTION OF 1946

At this Convention the canon was renumbered Canon 27.

SECTION 2

We now pass to the consideration of the portion relating to the certificates to be made to the standing committee from a parish where there is no minister.

CONVENTION OF 1856

The first legislation on this subject by General Convention was by the Convention of 1856, which enacted Canon 4, Section 6, as follows:

Sec. 6. But in case a Candidate, from some peculiar circumstances not affecting his pious or moral character, should be unable to procure testimonials from the Minister and Vestry of the Parish where he resides, the Standing Committee may accept testimonials of the purport above stated, from at least twelve respectable members of the Protestant Episcopal Church, and from at least one respectable Presbyter of the said Church, who has been personally acquainted with the Candidate for at least one year.

CONVENTION OF 1871

In the revision of the canons of ordination by this Convention the above noted Section 6 was retained as Section 4 (iii) of Canon 6, of Title I, "Of the Ordination of Deacons," and a new provision on the same subject was enacted as Title I, Canon 2, Section 3 (iii); and (iv) reading as follows:

(iii) Such testimonials shall be signed either by the Rector and a majority of the Vestry of the Parish or Congregation to which the Postulant may belong, said Vestry being duly convened, and this fact being explicitly stated on the face of the testimonial, or, in circumstances justifying such alternative, by at least one Presbyter and four respectable Laymen, Communicants of the Protestant Episcopal Church.

(iv) The Standing Committee shall be the sole judge of the propriety of receiving testimonials signed by others than a Rector and Vestry.

CONVENTION OF 1892

This Convention made (iii) of Section 3, Canon 2, of the Canons of 1871, Canon 3, Section 4, and amended it to read as follows:

Sec. 4. But should the Parish be without a Minister, it shall suffice that in his place the certificate be signed by some Presbyter of the Diocese or Missionary Jurisdiction in good standing, the reason for the substitution being stated in the attesting clause.

CONVENTION OF 1904

In the revision of the canons by this Convention, the above noted section was made Section 2 of Canon 2, and amended by substituting the word "District" for "Jurisdiction."

CONVENTION OF 1919

In the revision of the canons of ordination by this Convention this section was amended by inserting the words "to whom the Postulant is personally known," after the words "in good standing."

SECTION 3

This section makes provision for cases where there is no organized parish in the place where the postulant resides.

The first canonical provision in the matter was contained in Canon 4, Section 6, of the Canons of 1856, which we have noted in the consideration of Section 2.

This provision was also contained in Canon 3, Section 3 (iii), of the Canons of 1871.

CONVENTION OF 1892

In the revision of the canons of ordination by this Convention, the provisions on this subject were embodied in Canon 3, Section 5, and read as follows:

Sec. 5. (i) Should there be no organized Parish at the place of residence of the applicant, or should it be impracticable, through circumstances not affecting his moral or religious character, to obtain the signatures of the Minister and Vestry, it may suffice if the certificate be signed by at least

- (a) One Presbyterian of the Diocese or Missionary Jurisdiction, in good standing; and
- (b) Four Laymen, communicants of this Church, in good standing.

(ii) In such case, the reasons for departing from the regular form must be given in the attesting clause, which shall be signed by the same, or some other Presbyterian of this Church, in good standing, and shall be in the following words, viz.:

I hereby certify that the Laymen whose names are attached to the foregoing certificate are communicants of this Church in good standing, and that the reasons for departing from the regular form are (here give the reasons).

(Signed).

Presbyter of the Diocese or
Missionary Jurisdiction of

CONVENTION OF 1904

In the revision of the Digest of Canons by this Convention, Canon 3, Section 5, of the Canons of 1892, was made Canon 2, Section 3.

The only amendment made thereto was in the form of the certificate, which was amended by striking out all of said form after the words "in good standing," and inserting in place thereof the following:

and that this form of certificate was used for no reasons affecting the moral or religious character of the candidate, but because (here give the reasons for departing from the regular form).

(Signed.)

Presbyter of the Diocese or Missionary
District of

CONVENTION OF 1919

In the revision of the canons of ordination by this Convention, the only amendment made to this section was the addition of the words "to whom the Postulant is personally known" at the end of (a) and (b).

SECTION 4

Section 4 relates to the application of a minister of another religious body to become a candidate for orders in the Church.

CONVENTION OF 1804

This Convention enacted the first canonical legislation on this subject in Canon 6 of that year, entitled Limiting the Operation of Canon 6 of 1795, and reading as follows:

When a minister of any other denomination of Christians shall apply for Orders in this Church, the Bishop to whom application is made, being satisfied that he is a man of piety and unexceptionable character, that he holds the doctrines of the Church, and that he possesses all the literary and other qualifications required, and being furnished with testimonials from the Standing Committee duly convened, may ordain him as soon as is convenient. In all such cases the Standing Committee may insert in their testimonial the words, "we believe him to be sincerely attached to the doctrines and discipline of the Protestant Episcopal Church," instead of the words "and hath not written, taught, or held anything contrary to the doctrine or discipline of the Protestant Episcopal Church."

Applications for admission to the ministry of the Church from those who were ministers in other religious bodies were not of such frequent occurrence in the early days of the Church as to require any canon on the subject until 1804.

Under the provisions of this canon the minister of another religious body applying for orders in the Church was given the privilege of immediate ordination, while other candidates were required to remain as such for one year. The standing committee was also allowed to make a change in the form of its testimonial. In all other respects the candidate was obliged to possess the qualifications required of all other candidates.

CONVENTION OF 1808

This Convention amended Canon 6, of the Canons of 1804, as follows: The following was substituted for the first two lines thereof: "When any person who has officiated as minister among any other denomination of Christians." Also, the words "on examination according to the Canons" were inserted after the words "being satisfied."

CONVENTION OF 1820

This Convention enacted two additional canons governing the ordination of ministers of other religious bodies: Canons 4, and 5. These canons read as follows:

Canon 4. In the case of a minister of some other denomination of Christians applying for holy orders in this Church, the Standing Committee may receive testimonials of his piety, good morals, and orderly conduct from twelve members of the denomination from which he came: provided the members of the committee have such confidence in the persons thus testifying, as to satisfy them of the correctness of the testimony: and also a testimonial from at least one clergyman of the Protestant Episcopal Church.

Canon 5. When any person, not a citizen of the United States, who has officiated as a minister among any other denomination of Christians, shall apply for orders in this Church, the Bishop to whom application is made, shall require him (in addition to the qualifications made necessary by the seventeenth canon of 1808) satisfactory evidence that he has resided at least one year in the United States, previous to his application.

The former canon required a candidate coming from another body of Christians to have his testimonials signed by members of the Church, which was sometimes difficult, as those who knew him best would naturally belong to his own religious denomination. The new Canon 4 now permitted such a candidate to procure testimonials as to his character from his personal acquaintances, though they might not be churchmen.

Canon 5 made another change in the existing law. Formerly, the bishop could ordain a candidate from another body of Christians at once, or as soon as he had passed the standing committee. This canon very wisely provided that if such candidate was not a citizen of this country, then he must have resided at least one year in the United States before he could be ordained. In all other particulars the existing laws remained the same.

CONVENTION OF 1829

The first canon of this Convention simply embodied all the existing laws on the subject we are considering (under Section 4) into one canon, but with no change in principle, merely in phraseology.

CONVENTION OF 1832

In the revision of the canons by this Convention, Canon 1, of the Canons of 1829, was made Canon 21.

The first section of this canon was practically the same as Section 1 of the former canon, with these amendments:

After the words "that he holds the doctrines of the Church" were inserted the words:

is adequately acquainted with the offices of the Church, and has been a communicant in the Church for not less than six months.

Also, at the end of the section were added the following words:

Provided, that the Bishop may, on special grounds, and acting with the advice and consent of the Clerical Members of the Standing Committee, dispense with the above requirement of six months' connection with the communion of this Church.

The Convention added a new section reading as follows:

Sec. 2. When a person, with the literary qualifications required by Canon 13 and ascertained as directed in Canon 14, Sec. 3, who has been a candidate for the ministry of some other denomination, or is a licentiate (or in some equal and corresponding station) therein, shall apply for orders in this Church, there may be deducted from the term of his candidateship by the Bishop, with the consent of the Clerical Members of the Standing Committee, as long a period as he has already prosecuted Theological studies as a duly entered or admitted candidate of said denomination; provided he shall have been a candidate for orders in this Church for at least six months. The testimonials of character and attachment to the Church, addressed to the Standing Committee, shall be as in the first section of this Canon, and his examinations, beside having the usual object of ascertaining his proficiency in theology, and the other required studies, shall also be especially directed to the points in which the denomination to which he before belonged differs from this Church, with the view of testing his soundness and sufficient information in the same.

Section 2 of the former canon was made Section 3, with no amendment thereto.

The new Section 2 contained the first requirement in the legislation of the Church for an examination of an applicant for orders, coming from another religious body, on the points in which such denomination differs from the Church. This requirement, however, was to apply to licentiates or candidates in their own denomination, and not to those who were already officiating as ministers in other religious bodies.

Another new requirement was, that the applicant should have been a communicant in the Church for six months at least; the bishop, however, with the consent of the clerical members of the standing committee, could grant a dispensation.

An entirely new provision was contained in the second section, granting to one who has been a licentiate or candidate in his own denomination, the time he has spent in his studies to be deducted from his term of candidateship, with the consent of the bishop and the clerical members of the standing committee.

CONVENTION OF 1835

This Convention very materially amended Canon 21 of the Canons of 1832, but as the canon underwent a complete revision in 1838, no analysis of the canon seems necessary.

CONVENTION OF 1838

As before stated, this Convention revised Canon 21, of the Canons of 1832, and Canon 3, of the Canons of 1835, making it Canon 7 of that year, and to read, in part, as follows:

Sec. 1. All persons seeking admission to the Ministry of this Church, are to be regarded as Candidates for Holy Orders.

Sec. 2. When a person who, not having had Episcopal Ordination, has been acknowledged as an ordained Minister or Licentiate among any other denomination of Christians, shall desire to be ordained in this Church, he shall give notice thereof to the Bishop, or if there be no Bishop, to the Standing Committee of the Diocese in which he resides; or if he resides in a State or Territory in which there is no organized Diocese, to the Missionary Bishop within whose jurisdiction he resides; which notice shall be accompanied with a written certificate from at least two Presbyters of this Church, stating, that from personal knowledge of the party, or satisfactory evidence laid before them, they believe that his desire to leave the denomination to which he has belonged has not arisen from any circumstances unfavorable to his religious or moral character, or on account of which it may be inexpedient to admit him to the exercise of the Ministry in this Church: and they may also add what they know, or believe on good authority, of the circumstances leading to the said desire.

Sec. 3. If the Bishop or Standing Committee shall think proper to proceed, the party applying to be received as a Candidate, shall produce to the Standing Committee the same testimonials of literary qualifications as are required of all other Candidates; and also a testimonial from at least twelve members of the denomination from which he came, or twelve members of the Protestant Episcopal Church, or twelve persons, in part of the denomination from which he came, and in part Episcopalians, satisfactory to the Committee, that the applicant has, for three years last past, lived piously, soberly, and honestly; and also a testimonial from at least two Presbyters of this Church, that they believe him to be pious, sober, and honest, and sincerely attached to the doctrines, discipline and worship of the Church. The Standing Committee being satisfied on these points, may recommend him to the Bishop to be received as a Candidate for Orders in this Church, or in a vacant Diocese the Standing Committee may so receive him.

The remaining sections relate to requirements not contained in the section we are considering, and need not, therefore, be noted.

The object of the first section was, apparently, to bring all candidates for orders under the same regulations. We are told that there was a question under the former canons, whether a minister from some

other body of Christians seeking to be ordained in the Church could be considered a candidate in the strict sense of the word, because he was exempt from many of the requirements provided for ordinary candidates, and his ordination could take place almost immediately.

From the somewhat elaborate provisions made for the reception of those coming from other religious bodies, it would seem that the number of such applicants had greatly increased since the early days of the Church.

CONVENTION OF 1856

This Convention revised the canons of ordination, incorporating the provisions of Canon 7, of the Canons of 1838, among the provisions of Canon 3 of that year. Sections 2 and 3, as noted above, were made Sections 8 and 9, respectively.

Section 3 of the former canon, now Section 9, was amended by striking out the words

the same testimonials of literary qualifications as are required of all other Candidates; and also

in the fourth and fifth lines thereof. A footnote to this section in the Journal of 1856 says that these words were stricken out "as not applicable to the present system."

CONVENTION OF 1859

In the general revision of the canons by this Convention, Sections 8 and 9, of Canon 7, of the Canons of 1856, became Section 8 (i) and (ii) of Title I, Canon 2, and without amendment.

CONVENTION OF 1871

In the revision of the canons of ordination made by this Convention, Section 8, of Canon 2, Title I, of the Canons of 1859, was made Section 7 of Canon 2, and amended to read as follows:

Sec. 7. (i) A person not having had Episcopal Ordination, but acknowledged as an Ordained Minister or Licentiate in any other denomination of Christians may become a Candidate for Holy Orders in this Church.

(ii) Such person must give notice of his desire to become Candidate to the Bishop of the Diocese in which he may be resident, stating, 1st, whether he has applied for admission as Candidate in any other Diocese; and 2nd, the ground and reasons of his desire; and, 3rd, furnishing sufficient evidence of his standing in the denomination in which he has been Minister or Licentiate.

(iii) With the aforesaid notice of desire must be forwarded a written certificate

from at least two Presbyters of this Church, stating that, from personal knowledge of the Postulant, or from satisfactory evidence laid before them, they believe that his desire to leave the denomination to which he belonged has not arisen from any circumstance unfavorable to his moral or religious character, or on account of which it may be inexpedient to admit him to the exercise of the Ministry in this Church; and they may also add what they know or believe on good authority, of the circumstances leading to the said desire.

(iv) If, on receipt of such notice and certificate, the Bishop authorize further procedure, the Postulant may apply to the Standing Committee of the Diocese for recommendation; in order to which he must lay before the Committee,—

- (1) A testimonial from at least twelve members of the denomination from which he comes, or twelve members of the Protestant Episcopal Church, or twelve persons—in part of the denomination from which he comes, and in part of this Church—satisfactory to the Committee, certifying that the Postulant has, for three years last past, lived piously, soberly, and honestly; and
- (2) A testimonial from at least two Presbyters of this Church, certifying that they believe the Postulant to be pious, sober, and honest, and sincerely attached to the doctrine, discipline, and worship of the Church; and that, in their opinion, he possesses such qualifications as fit him for usefulness in this Church.

(v) The Standing Committee and Bishop may then proceed as provided for in Sections 3 and 4 of this Canon.

The only change of importance made by the new canon is found in (ii), which provided that the person desiring to become a candidate for orders in the Church must state to the bishop whether he has ever before applied for admission as a candidate; the ground and reasons for his desire to enter the Church, and also furnish to the bishop sufficient evidence of his standing in the denomination from which he came.

The remainder of the section was simply a rearrangement of the provisions of the former canon on the subject.

CONVENTION OF 1892

This Convention made a thorough revision of the canons of ordination, and Canon 2, Section 7, of the Canons of 1871, became Canon 3, Section 6, and amended to read as follows:

Sec. 6. (i) Should the applicant have been a Minister or Licentiate, in some other body of Christians, it may suffice that the certificate be signed by either—

- (a) Eight adult laymen, members in good standing of the denomination from which the applicant has come, or
- (b) Eight adult laymen, members in good standing of the Protestant Episcopal Church, or
- (c) Eight adult laymen, members in good standing, in part members of the Church, and in part of the denomination from which the applicant has come.

(ii) The genuineness of the signatures to such certificate and the standing of the signers must be attested by some person or persons known to a member of the Standing Committee, or under the seal of a Notary Public, in the following words, viz.:

I do hereby certify, that the names attached to the foregoing certificate are genuine, and are those of persons of good standing, members of (as the case may be).

(Signed)

(iii) He shall, in such case, also lay before the Standing Committee a certificate, signed by two Presbyters of this Church in good standing and known to the Committee, in the following words, viz.:

To the Standing Committee ——.

Place ——.

Date ——.

We, the undersigned, Presbyters of the Protestant Episcopal Church, do hereby certify, that we are personally acquainted with A.B.; that he has become a communicant of this Church, and that we believe him to be pious, sober, and honest. Furthermore, that after personal conversation with him, and due inquiry concerning him as to his change of Ecclesiastical relations, we are satisfied that he is sincerely attached to the doctrine, discipline and worship of the Protestant Episcopal Church, and that his desire to leave the denomination to which he belonged has not arisen from any circumstances unfavorable to his moral or religious character, or on account of which it may be inexpedient to admit him to the Ministry of this Church.

(Signed)

No important change of principle was made by this revision.

CONVENTION OF 1904

In the revision of the Digest of Canons by this Convention, Section 6, of Canon 3, of Title I, became Section 4, of Canon 2, but received no amendment except that in (iii), the words "in such case" in the first line thereof were stricken out, and the words "or Council of Advice" were inserted after the words "Standing Committee" in the second line.

CONVENTION OF 1919

In the revision of the canons of ordination by this Convention Section 4 (i) was amended to read as follows:

Sec. 4. (i) Should the Postulant have been a Minister or Licentiate in some other body of Christians, instead of the certificate required in Sec. 1, he shall submit a certificate in the following words:

To the Standing Committee of ——.

Place ——.

Date ——.

We whose names are hereunder written, testify to our belief (based on personal knowledge, or on evidence satisfactory to us) that A.B. is sober, honest, and godly. We do furthermore declare that in our opinion, he possesses such qualifications as fit him to be admitted a Candidate for Holy Orders.

(Signed)

This certificate may be signed by ———.

The remainder of the clause received no amendment.

CONVENTION OF 1937

The Committee on Canons of the House of Deputies reported a conflict between Section 1 (c) and Section 5 (vi) of the then Canon 2, upon which the Journal reports action was postponed.

CONVENTION OF 1940

At this Convention Section 1 (c), now Section 5 was amended to read in its present form, and Section 7, the subject of which is now covered by Canon 27, Section 5, was amended to read:

The Standing Committee, on receipt of the report and the Certificate or Certificates as above prescribed, and, after investigation, having no reason to suppose the existence of any sufficient objection, etc.

CONVENTION OF 1943

In the rearrangement of this year this canon became Canon 26.

Section 2 was amended by inserting the words "from the Vestry" after the word "Certificate" thus bringing it to the same form as present Canon 27, Section 2.

This change is not certified in the Journal but appears as a resolution of the House of Deputies adopting a committee report in which the House of Bishops concurred in a resolution describing this and other amendments as a correction in text.

CONVENTION OF 1946

This canon was renumbered Canon 27.

The Committee to Certify Changes in Canons reported that all resolutions proposed by the Joint Commission on Theological Education had been adopted. (*Jour. Con. 1946, p. 190, Appendix 39*) The commission, *inter alia*, recommended an addition to Section 3 of a clause (c) as follows:

(c) If a Candidate for Holy Orders shall have passed his canonical examinations, but is refused, on other grounds, recommendation for ordination, the Bishop, with

the consent of the Standing Committee or Council of Advice, may remove his name from the list of candidates.

No such addition is found in the canons as officially printed.

The commission also recommended that "the last two words of Canon 27, Section 4, be amended to read 'two years' instead of 'three years.'" There is no section of Canon 27 ending in these words.

Yet on page 312 each house adopted the resolutions recommended by the commission with the following emendations:

That in Canon 26, Sec. 5 (changed to Canon 25, Sec. 5), Clause (a), the first sentence be amended by inserting after the words "a graduate of some college or university" the words "together with a full statement of the work done by him in such college or university."

This appears in the canon as officially printed.

CONVENTION OF 1949

At this Convention a corrective amendment was made in Section 4 (a) by inserting "(iv)" after "Sec. 1" in line three, and Section 6 was correctly numbered.

SECTION 5

This section relates to the testimonial of the standing committee to the bishop, in case the committee is prepared to recommend the postulant for admission as a candidate.

CONVENTION OF 1808

The first canonical provision on this subject was contained in the seventh canon of the Canons of 1808, the second paragraph of which read as follows:

No person shall be considered as a Candidate for Orders in this Church, unless he shall have produced to the Bishop of the Diocese or State to whom he intends to apply for Orders, a certificate from the Standing Committee of said Diocese or State, that they believe, from personal knowledge, or from testimonials laid before them, that he hath lived piously, soberly, and honestly; that he is attached to the doctrines, discipline, and worship of the Protestant Episcopal Church, and further, that in their opinion, he possesses such qualifications as may render him apt and meet to exercise the ministry to the glory of God and the edifying of the Church.

CONVENTION OF 1832

In the revision of the canons by the Convention of this year, the second paragraph of Canon 7, of the Canons of 1808, was made Canon 9, Section 2, and amended by the addition of these words at the end thereof:

And when the Standing Committee do not certify as above from personal knowledge, the testimonials laid before them shall be of the same purport, and as full as the certificate above required, and shall be signed by at least one Presbyter and four respectable Laymen of the Protestant Episcopal Church.

A further amendment was made by this Convention in inserting after the words "Protestant Episcopal Church," in the tenth line thereof, the following words: "and a communicant of the same."

Also amended was the striking out of the words "further, that," in the same line.

CONVENTION OF 1859

In the revision of the canons by this Convention, Section 2, of Canon 9, of the Canons of 1832, was made Section 4, of Canon 2, Title I, but without amendment.

CONVENTION OF 1871

In the revision of the canons of ordination by this Convention, Section 4, of Canon 2, Title I, of the Canons of 1859, was made Section 3 (vi), Canon 2, Title I, and amended to read as follows:

(vi) The Standing Committee, on the receipt of such testimonials, or, in its discretion, on the personal knowledge of its members, being duly satisfied that there is not sufficient objection on grounds either physical, intellectual, moral, or religious, may proceed to recommend a Postulant for admission to Candidateship, by a certificate bearing the signatures of a majority of all the members of the Committee, and addressed to the Bishop of the Diocese, in the following words:

We, whose names are hereunder written, do certify that (from personal knowledge, or from testimonials laid before us, as the case may be) we believe that A. B. is pious, sober, and honest; that he is attached to the doctrine, discipline, and worship of the Protestant Episcopal Church, and that he is a Communicant of the said Church in good standing; and do furthermore declare that, in our opinion, he possesses such qualifications as fit him for entrance on a course of preparation for the Holy Ministry.

This is the first provision for the form of the canonical certificate of the standing committee.

CONVENTION OF 1892

This Convention made a thorough revision of the canons of ordination and amended Title I, Canon 2, Section 3, (vi) by making it Section 8, of Canon 3, Title I, and to read as follows:

Sec. 8. The Standing Committee, on the receipt of the certificates prescribed in either case, as above, by this Canon, and having no reason to suppose the existence of any sufficient objection on grounds either physical, intellectual, moral or religious, to the admission of the applicant, may proceed to recommend a Postulant for admission to Candidateship, by a testimonial bearing the signatures of a majority of the whole Committee, and addressed to the Bishop in the following words, viz.:

To the Right Reverend ———. Bishop of ———.

Place ———.

Date ———.

We whose names are hereunderwritten, being a majority of the whole Standing Committee of ———, and having been duly convened at ———, do testify, from personal knowledge or from certificates laid before us, that we believe that A.B. is pious, sober and honest; that he is attached to the doctrine, discipline and worship of the Protestant Episcopal Church, and that he is a Communicant of the said Church in good standing; and do furthermore declare that, in our opinion, he possesses such qualifications as fit him for entrance on a course of preparation for the Holy Ministry.

In witness whereof, we have hereunto set our hands, this ——— day of ———, in the year of our Lord ———.

(Signed)

Standing Committee of ———.

The principal changes made by this amendment were, first, the provision that the testimonial should be signed by a majority of the whole standing committee, and secondly, that this fact should be stated in the testimonial, and that the said committee had been duly convened.

CONVENTION OF 1904

In the revision of the canons by this Convention, Title I, Canon 3, Section 8, of the Canons of 1892, was made Canon 2, Section 6, and amended as follows:

The words "certificates prescribed in either case, as above, by this Canon" in the second and third lines were stricken out, and these words inserted in place thereof: "certificate or certificates as above prescribed." Also, the words "intellectual, moral or religious" in the fifth line were stricken out, and these words inserted in place thereof: "mental, moral, or spiritual." The words "may proceed to" in the sixth line were stricken out and these words inserted in place thereof: "may

at a meeting duly convened, (a majority of all the members consenting)." In the next to the last line before the form of testimonial, the word "whole" was stricken out, and these words inserted in place thereof: "all the members of."

In the first line of the prescribed testimonial, the words "we whose names are hereunder written, being a majority of the whole" were stricken out, and these words inserted in place thereof: "We, being a majority of all the members of the." In the fifth line of said testimonial, the words "that we believe that A.B. is pious, sober and honest; that he is attached to the doctrine, discipline and worship of the Protestant Episcopal Church," were stricken out, and in place thereof, these words inserted: "we are well assured that A.B. is sober, honest, and godly." The last two lines of said testimonial were also changed to read as follows: "he possesses qualifications which fit him to be admitted a Candidate for Holy Orders."

A new sentence was added at the end of the section reading as follows: "This testimonial shall be presented to the Bishop without delay."

CONVENTION OF 1919

In the revision of the canons of ordination by this Convention, Section 6, of Canon 2, of the Canons of 1904, was made Section 7, of Canon 2, but without amendment.

CONVENTION OF 1946

Verbal changes in this section were made necessary by the transposition of former Sections 5 and 6 of this canon to Canon 26. These changes were made so that it reads as at present.

SECTION 6

This section provides what shall be the action of the bishop after the receipt of the testimonial from the standing committee.

CONVENTION OF 1808

The first canonical legislation on this subject was contained in the seventh canon of 1808, which simply provided, after referring to the certificate of the standing committee, "The Bishop may then admit the person as a candidate for orders."

CONVENTION OF 1832

In the revision of the canons by the Convention of 1832, Canon 9, Section 6, refers to the matter in the following words:

Sec. 6. The requisition of this Canon being fulfilled, the Bishop may admit the person as a candidate for orders, and shall record the same in a book to be kept for that purpose, and notify the candidate of such record. And in any Diocese where there is no Bishop, the Standing Committee may, on the same conditions admit the person as a candidate, and shall make record and notification in the same manner.

CONVENTION OF 1871

No change was made in this provision until the revision of the canons of ordination by the Convention of 1871, when Canon 9, Section 6, became Canon 2, Section 4 (i), (iv), and (v); also Section 5 (ii), (iii), and (iv) to read as follows:

Sec. 4. (i) Upon receipt of a certificate from the Standing Committee, recommending a Postulant for admission to Candidateship, the Bishop shall require such Postulant to make signification of his intention, whether it be to become a Candidate for the office and ministration of a *Deacon only*, or to be a Candidate for the *Priesthood also*.

(iv) On satisfactory evidence of a degree in arts, or report of satisfaction by examiners, the Bishop may, after personal conference with the Postulant, admit him to be a *Candidate for Priest's Orders*, and shall thereupon record his name, with the date of admission, and such other particulars as may be deemed expedient, in a book to be kept for that purpose, and forthwith give the Candidate written notice of such record.

(v) Such admission and notification of a Candidate for Priesthood is his sufficient admission as *Candidate for the Diaconate*, from the date of such admission and record.

Section 5 (ii), (iii), and (iv) to read as follows:

(ii) The Bishop, on receipt of such certificates, may admit a Postulant recommended by the Standing Committee as a *Candidate for Deacon's Orders*, and shall thereupon record his name, with the date of admission, and the names of the Presbyters signing such Certificate, in a book to be kept for that purpose, and notify the Candidate of such record.

(iii) A Candidate for Deacon's Orders may become a *Candidate for Priest's Orders* by signifying to the Bishop his desire to be admitted such *Candidate*, complying with the provisions of Section 4 of this Canon, and obtaining from the Bishop admission and entry in the proper record. His Candidateship shall then date from the time of such admission and entry, as notified by the Bishop.

(iv) A Deacon may be admitted Candidate for Priest's Orders in the same manner.

It would seem from the language of this canon, that it was desired at the time to revive the permanent diaconate, and hence provision was made for different examinations and different testimonials for those seeking to study for the priesthood, and those for the diaconate only.

Strenuous objection was made in the Convention of 1871 to this proposal. In the debate on the question it was asserted that it was a congregational idea, and that it was incongruous with the Church's idea of a deacon. While the proposal carried in the Convention, it evidently did not commend itself to the mind of the Church, after experience, as it was abandoned in the revision of the canons in 1904.

CONVENTION OF 1892

This Convention amended Sections 4 and 5 of Canon 2, of the Canons of 1871, by combining the provision thereof into one section, making it Section 9 (i) of Canon 3, and to read as follows:

Sec. 9. (i) The Bishop, on the receipt of the testimonial of the Standing Committee, in either case may proceed to admit the applicant as a Candidate for Holy Orders; he shall thereupon record his name, with the date of his admission, in a book to be kept by the Bishop for that purpose, and shall notify the Candidate and the Secretary of the Standing Committee that he has been admitted as a Candidate for Deacon's Orders only or for the Priesthood, and the date of his admission.

CONVENTION OF 1904

In the revision of the canons by this Convention, Section 9 (i) of Canon 3, Title I, was made Canon 2, Section 7, and amended to read as follows:

Sec. 7. When the aforesaid requirements have been complied with, the Bishop may admit the Postulant as a Candidate for Holy Orders. He shall thereupon record his name, with the date of his admission, in a book to be kept for that purpose, and shall inform the Candidate and the Secretary of the Standing Committee of the fact and date of such admission.

CONVENTION OF 1919

In the revision of the canons of ordination by this Convention, Section 7, Canon 2, was made Section 8, of Canon 2, but without amendment.

CONVENTION OF 1946

At this convention, in the resolutions attached to the report of the Standing Joint Commission on Theological Education, a large number of amendments to the Canons on Ordination were proposed, some of

which have previously been referred to (see above under Canon 26, Section 5; and Canon 28, Section 3). Another amendment proposed was the change of the last two words of Section 4 of this canon to read "two years" as at present, instead of "three years" as formerly. (*Jour. p. 643*)

The resolutions were adopted en masse, except for one change not affecting this canon. (*Jour. p. 312*)

Thus, the minimum term of candidateship was reduced from three years to two years.

EXPOSITION OF CANON 27

The educational requirements formerly contained in this canon, having been transferred to Canon 26 and made applicable to postulants, the canon became procedural.

CANON 28

Of General Provisions Concerning Candidates for Holy Orders

SECTION 1. (a). The superintendence of all Candidates for Holy Orders, both as to their daily life and as to the direction of their theological studies, pertains to the Bishop of the Diocese or Missionary District to which they belong. The Bishop may at his discretion ask one or more of the Board of Examining Chaplains to assist him in this superintendence.

The Bishop
to have
superintend-
ence of
Candidates

(b). Every Candidate shall pursue his studies diligently under proper direction; he shall not indulge in vain or trifling conduct or in amusements unfavorable to godly and studious habits and to that good report which becomes a person preparing for the Holy Ministry.

Study and
conduct of
Candidates

(c). When the Standing Committee of a Diocese is the Ecclesiastical Authority thereof, the Clerical members of the Committee shall, through the President, discharge the duties assigned in this Section to the Bishop.

When
Clerical
members of
the Standing
Committee
to act

Candidate to remain in canonical connection with his own Diocese

SEC. 2. (a). A Candidate must remain in canonical connection with the Diocese or Missionary District in which he has been admitted, until his ordination, except as hereinafter otherwise provided.

May have Letters Dimissory

(b). For reasons satisfactory to the Ecclesiastical Authority, Letters Dimissory may be granted to a Candidate on his own request to any other Diocese or Missionary District.

Attending Theological Seminary not a reason for change of canonical residence

(c). Convenience of attending any Theological or other Seminary shall not be a sufficient reason for change of canonical residence.

To report in each Ember Week

SEC. 3. (a). Every Candidate for Holy Orders shall report himself to the Ecclesiastical Authority, personally or by letter, four times a year, in the Ember Weeks, giving account of his manner of life and progress in his studies; and if he fail to make such report to the satisfaction of the Ecclesiastical Authority, his name may be stricken from the list of Candidates.

To present himself for examination within three years

(b). If a Candidate for Holy Orders shall fail to present himself for examination within three years from the date of his admission as a candidate, his name may, after due notice, be stricken from the list of Candidates at the discretion of the Bishop.

(c). If a Candidate for Holy Orders shall have passed his canonical examinations, but is refused, on other grounds, recommendation for ordination, the Bishop, with the consent of the Standing Committee or Council of Advice, may remove his name from the list of Candidates.

Rejected Candidate to renew candidature before ordination

SEC. 4. A Candidate for Holy Orders, in any Diocese or Missionary District of this Church, or of any Church in communion with this Church, whose name shall have been stricken from the list of Candidates, or whose application for ordination shall have been rejected, shall not be ordained without re-admission to candidateship, said candidateship to continue for not less than one whole year; *Provided*, that in no such case shall the whole term of candidateship be less than two years.

Candidate
not to serve
as Deputy
to General
Convention

SEC. 5. A Candidate for Holy Orders shall not be a Deputy to the General Convention.

Canon 28 is a collection of canons and sections of canons enacted since 1808. It will therefore be taken up section by section.

SECTION 1

The first canonical provision relating to the bishop's superintendence of candidates for Holy Orders is found in the Canons of 1808.

CONVENTION OF 1808

The tenth canon of this year read as follows:

The Bishop or ecclesiastical authority who may have the superintendence of candidates for orders, shall take care that they do not indulge in any vain or trifling conduct, or in any amusements most likely to be abused to licentiousness, or unfavorable to that seriousness, and to those pious and studious habits, which become those who are preparing for the Holy Ministry.

CONVENTION OF 1832

In the revision of the canons by the Convention of 1832, the tenth canon of 1808 still remained Canon 10, but amended by inserting the words "pursue their studies diligently and under proper direction, and that" after the words "shall take care that" in the second line thereof.

Dr. Hawks (*Con. and Canons*, p. 160) tells us that, "In the former Canons nothing was said on this subject" (referring to the amendment of 1832, requiring candidates to pursue their studies diligently and under proper direction), "for clergymen were then much needed, and facilities for advantageous study were not to be found—but in 1832, though an increase of clergy was very desirable, it was not difficult to find opportunities of studying to advantage. Theological Seminaries had been established, and provision had been made for the support of students in them. The number of parochial clergymen under whom candidates might study, probably, had much increased. In point of fact, most of the candidates for orders in the Church, are at this day (1832) prepared in the seminaries."

CONVENTION OF 1856

In the revision of the canons of ordination by this Convention, Canon 10 of 1832 became Canon 3, Section 11, but without amendment.

CONVENTION OF 1859

In the revision of the whole body of canons by this Convention, Section 11, of Canon 3, of the Canons of 1856, was made Title I, Canon 3, Section 1, but without amendment.

CONVENTION OF 1871

This Convention made a thorough revision of the canons of ordination, and Title I, Canon 3, Section 1, of the Canons of 1859 was amended to read as follows:

Sec. 1. (i) The superintendence of a Candidate for Holy Orders, and direction of his theological studies, pertain to the Bishop of the Diocese.

(ii) In a Diocese, vacant or otherwise, canonically under the Ecclesiastical authority of the Standing Committee, the Clerical Members of such Committee shall exercise said superintendence and direction.

(iii) Care shall be taken that the Candidate shall pursue his studies diligently, and under proper direction; and that he do not indulge in any vain or trifling conduct, or in any amusements most likely to be abused to licentiousness, or unfavorable to that seriousness, and to those pious and studious habits, which become a person preparing for the Holy Ministry.

This section still remained as Section 1, of Canon 3, Title I.

The principal changes made in the section by the revision was the recognition by the canon that the superintendence of a candidate for Holy Orders and the direction of his theological studies belonged to the bishop of the diocese, and in case there was no bishop, then to the clerical members of the standing committee.

CONVENTION OF 1892

In the revision of the canons of ordination by this Convention, the first two clauses of Title I, Canon 3, Section 1, of the Canons of 1871, were made Title I, Canon 4, Section 1, and amended to read as follows:

Sec. 1. (i) The superintendence of all Candidates for Holy Orders, both as to their daily life and as to the direction of their theological studies, pertains to the Bishop of the Diocese or Missionary Jurisdiction to which they belong.

(ii) In a Diocese under the Ecclesiastical Authority of a Standing Committee, the clerical members of the Committee shall, through their President, exercise such superintendence and direction.

The third clause of the former canon now became Section 2 of Canon 4, and amended by striking out the words "most likely to be abused to licentiousness, or." Also, after the word "seriousness" in the fourth line, were inserted the words "of deportment, or." Also, after the words "studious habits" in the next to the last line, were inserted the words "or that good report."

CONVENTION OF 1904

In the revision of the Digest of Canons by this Convention, this section was made Section 1, of Canon 3, and amended as follows: In the first clause the word "Jurisdiction" was changed to "District." A new clause was added numbered (ii), and reading as follows:

(ii) The Bishop may dispense with the knowledge of Hebrew.

Section 2, of Canon 4, of the Canons of 1892, now became clause (iii) and amended by striking out the words "Care shall be taken that the" at the beginning of the clause, and these words inserted in place thereof: "Every Candidate."

A few verbal changes were also made, but without change of principle. Clause (ii) of former Section 1, Canon 4, became clause (iv), and amended to read as follows:

(iv) When the Standing Committee of a Diocese is the Ecclesiastical Authority thereof, the Clerical members of the Committee shall, through the President, discharge the duties assigned in this Section to the Bishop.

CONVENTION OF 1919

No change was made in the numbering of this section or canon by this Convention. Section 1 was amended by adding at the end thereof the following words:

The Bishop may at his discretion ask one or more of the Board of Examining Chaplains to assist him in this superintendence.

Clause (ii) was stricken out, and the remaining clause renumbered accordingly.

SECTION 2

This section provides that a candidate must remain in canonical connection with his own diocese unless dimitted by the ecclesiastical authority thereof.

CONVENTION OF 1795

The first canonical legislation on the subject of this section is found in Canon 6, of the Canons of 1795, in which canon occurs the following sentence:

And if there be a bishop within the State or district, where the candidate resides, he shall apply to no other bishop for ordination without the permission of the former.

As before stated, this canon was due to a case which occurred but a short time before the Convention of 1795 met, the particulars of which will be found noted under the remarks on Canon 1.

CONVENTION OF 1808

The next reference to the subject is found in Canon 7, of the Canons of 1808, the last sentence of which read as follows:

A candidate for orders may, on letters dismissory from the bishop by whom he was admitted as a candidate, be ordained by any other bishop of this Church.

CONVENTION OF 1832

Canon 9 of that year embraced most of the canonical provisions relating to candidates for orders previously enacted. Section 8 of that canon read as follows:

Sec. 8. A candidate for orders may, on letters of dismission from the Bishop or Standing Committee of the Diocese in which he was admitted a candidate, be ordained by any Bishop of this Church. And if there be a Bishop within the Diocese where the candidate resides, he shall apply to no other Bishop for ordination without the permission of the former.

CONVENTION OF 1847

This Convention made Canon 9, of the Canons of 1832, Canon 6, and amended Section 8, by striking out the words "be ordained by any Bishop of this Church," and inserting in place thereof the following words: "be transferred to the jurisdiction of any Bishop of this Church."

CONVENTION OF 1853

This Convention added a new sentence at the end of Section 10, Canon 6, of the Canons of 1847, now made Canon 7, which read as follows:

Candidates shall not change their Canonical residence but for *bona fide* causes requiring the same, to be judged by the Bishop, or, if there be no Bishop, the

Standing Committee, and they shall not be dismissed from the Diocese in which they were admitted, or to which they have been duly transferred for the convenience of attending any theological or other seminary.

CONVENTION OF 1856

In the revision of the canons of ordination by this Convention, the new provision added to Section 10, Canon 7, of the Canons of 1847, was made Section 15, of Canon 3, but without amendment thereto.

Section 8, of Canon 6, of the Canons of 1847, was made Section 14, of Canon 3, also without amendment.

CONVENTION OF 1859

This Convention in its revision of the canons, made Sections 14 and 15, of Canon 3, of the Canons of 1856, Sections 4 and 5, of Canon 3, respectively but without amendment.

CONVENTION OF 1871

This Convention amended Canon 3, Sections 4 and 5 of the Canons of 1859, by combining them into one section, Section 2 of Canon 3, and to read as follows:

Sec. 2. (i) A Candidate once admitted must remain in connection with the Diocese in which he has been admitted until his ordination, except as hereinafter provided.

(ii) Letters of dismission to the jurisdiction of any other Bishop of this Church may be given him by the Bishop, upon actual change of residence, or for other good and sufficient reasons, established as such to the satisfaction of the Bishop.

(iii) The convenience of attending any theological or other seminary shall not be held to be such sufficient reason or ground of change of residence.

CONVENTION OF 1892

This Convention amended Section 2, Canon 3, of the Canons of 1871, making it Section 3, of Canon 4, and to read as follows:

Sec. 3. (i) A Candidate once admitted must remain in canonical connection with the Diocese or Missionary Jurisdiction in which he has been admitted until his ordination, except as hereinafter otherwise provided.

(ii) The Bishop, or the clerical members of the Standing Committee when acting as the Ecclesiastical Authority, may permit a Candidate to prosecute his studies outside of the Diocese or Missionary Jurisdiction, without disturbing his canonical residence.

(iii) For reasons satisfactory to the Ecclesiastical Authority, letters dismissory may be given him on his own request to any other Diocese or Missionary Jurisdiction.

(iv) The convenience of attending any Theological or other Seminary shall not be held to be in itself a sufficient reason for change of canonical residence.

The Convention of 1901 changed the words "Missionary Jurisdiction" in the section to "Missionary District."

CONVENTION OF 1904

The only amendments to this section made by the Convention of 1904 were the striking out of the words "once admitted" in the first line of clause (i), and the striking out of clause (ii), and renumbering it as Section 2.

No change was made in this section by the Convention of 1919, except the renumbering is as Canon 3, Section 2.

SECTION 3

This section provides that every candidate must report to the ecclesiastical authority of the diocese four times a year under penalty of having his name stricken from the list of candidates; also, that he must present himself for examination within three years from the date of his admission as a candidate.

CONVENTION OF 1832

The first canonical provision on this subject was contained in Canon 9, Section 9, of the Canons of 1832, and which read as follows:

Sec. 9. If any candidate for orders shall not, within three years after his admission, apply to have his first and second examinations held, as hereafter prescribed, or if he shall not, within five years from his admission, apply to have his third and fourth examinations held, (unless the Bishop, for satisfactory reasons assigned, shall allow him further time) the said person shall, in either case, cease to be a candidate.

CONVENTION OF 1856

In the revision of the canons of ordination by this Convention, Section 9, of Canon 9, of the Canons of 1832, was made Section 14, of Canon 5, "Of the Ordination of Priests," and amended by inserting the word "Priest's" before the word "Orders" in the first line; also, by striking out the words "as hereafter prescribed" in the third line; also, by striking out the words "and fourth" before the word "examination" in the fifth line, and changing the word "examinations" to "examination."

CONVENTION OF 1871

In the revision of the canons of ordination by this Convention, Section 14, of Canon 5, Title I, of the Canons of 1856, was made Title I, Canon 4, Section 10, and amended to read as follows:

Sec. 10. (i) A Candidate for Priest's Orders must apply for at least his *first* and *second* examinations within three years, and his *third* within five years from his admission, or else assign, to the Bishop, causes which he shall deem satisfactory for failure so to do.

(ii) For contravention of this rule the name of the offender shall be stricken from the list of Candidates after due warning by the Bishop.

The Convention also enacted a new provision, providing for the report of a candidate to his bishop of his manner of life and progress in his theological studies. This provision was enacted as Title I, Canon 3, Section 5, and read as follows:

Sec. 5. (i) Every Candidate for Holy Orders shall report himself to the Bishop, personally or by letter, once at least in every three months, giving account of his manner of life and progress in theological studies.

(ii) Failure to make such report, not satisfactorily accounted for to the Bishop, shall be ground of refusal of admission to Holy Orders.

The provision of this section that the candidate must report to his bishop once every three months, was opposed in the Convention of 1871, on the ground that such a requirement was too much like the principle of auricular confession.

CONVENTION OF 1892

In the next revision of the canons of ordination, made by the Convention of 1892, Section 5 was made Title I, Canon 4, Section 4, and amended to read as follows:

Sec. 4. (i) Every Candidate for Holy Orders, unless expressly released by the Ecclesiastical Authority over him, shall report himself personally or by letter at least once in every three months, giving account of his manner of life and progress in his studies.

(ii) Failure to make such report, not accounted for to the satisfaction of the Ecclesiastical Authority, shall be ground for striking his name from the list of Candidates.

The principal changes made in this section by the amendments thereto were, first, the substitution of "Ecclesiastical Authority" for the "Bishop," and secondly, while under the former section he was obliged to report to the bishop, no person was now named, except by

implication, to whom he was to make such report. In this respect the section would seem to have been somewhat faulty.

Title I, Canon 4, Section 10, of the Canons of 1871, requiring a candidate for priest's orders to report for his examinations within a certain time, was made Title I, Canon 6, Section 1, and amended to read as follows:

Sec. 1. A Candidate for Priest's Orders, not being a Deacon, who shall fail to present himself for examination for Deacon's Orders within three years from the date of his admission as such Candidate, shall be liable, after due notice, to be dropped from the list of Candidates, at the discretion of the Bishop.

Instead of the former provision that the candidate for priest's orders must present himself for examination in his three examinations within a certain period, it was now provided that unless he be a deacon, he must present himself for examination for deacon's orders within three years from the date of his admission as a candidate. Also, it was formerly provided that "he shall be dropped from the list of Candidates," while the amended section provided that he "shall be liable, after due notice" to be so dropped.

CONVENTION OF 1904

In the revision of the Digest of Canons by this Convention, Title I, Canon 4, Section 4, and Title I, Canon 6, Section 1, were combined into one section, as Canon 3, Section 3, and amended to read as follows:

Sec. 3. (i) Every Candidate for Holy Orders shall report himself to the Ecclesiastical Authority, personally or by letter, four times a year, in the Ember Weeks, giving account of his manner of life and progress in his studies; and if he fail to make such report to the satisfaction of the Ecclesiastical Authority, his name may be stricken from the list of Candidates.

(ii) If a Candidate for Orders shall fail to present himself for examination within three years from the date of his admission as a Candidate, his name may, after due notice, be stricken from the list of Candidates at the discretion of the Bishop.

This section remedies the defect of the former provision in not declaring to whom the candidate should report, by providing that he shall report to the ecclesiastical authority.

CONVENTION OF 1919

In the revision of the canons of ordination by the Convention of 1919, no change was made in this section.

CONVENTION OF 1946

Having been renumbered Canon 27 in 1943, this canon was renumbered Canon 28 at this Convention and, on recommendation of the Joint Commission on Theological Education, Section 3 (c) was added. This had been proposed as an addition to Canon 27.

SECTION 4

This section provides that a candidate for Holy Orders, who has been rejected as such candidate, must renew his candidateship before he can be ordained.

CONVENTION OF 1804

The first legislation on this subject was by the Convention of 1804, which enacted Canon 9 of that year, reading as follows:

No Bishop shall ordain any candidate until he has inquired of him whether he has ever, directly or indirectly, applied for orders in any other Diocese; and if the Bishop has reason to believe that the candidate has been refused Orders in any other Diocese, he shall write to the Bishop of the Diocese, or, if there be no Bishop, to the Standing Committee, to know whether any just cause exists why the candidate should not be ordained. When any Bishop rejects the application of any candidate for Orders, he shall immediately give notice to the Bishop of every Diocese, or, where there is no Bishop, to the Standing Committee.

The one-time celebrated case of the Rev. Ammi Rogers occasioned the enactment of this canon. The facts of the case as related by Bishop White in his *Memoirs* (pp. 242-246) are as follows:

“Rogers was a native of Connecticut and educated at Yale College. Some of the Clergy of that State interested themselves in trying to procure his Ordination, but Bishop Seabury, entertaining an unfavorable opinion of him, declared that he would never ordain him. Rogers afterwards removed to the western part of New York State, and there, by apparent prospects of usefulness, laid the foundation of an application to Bishop Provost, the Bishop of that Diocese, for Holy Orders. While the case was under consideration, the Rev. Dr. Beach, one of the Clergy of New York, having heard that Rogers had been rejected in Connecticut, objected to his ordination. Rogers then went to Connecticut for the purpose of obtaining from the Secretary of the Convention of that Diocese a certificate that there was nothing on the minutes of the Convention showing his rejection. Such a certificate could have been granted, as Rogers had never made a formal application to be ordained, and therefore, of course, had never been rejected.

The Secretary, however, was absent from home, and Rogers fabricated a certificate in his name which not only stated that he had never been refused Ordination in Connecticut, but also testified as to his correct life. The New York Clergyman on being shown this forged certificate, which he supposed to be genuine, withdrew his opposition, and Rogers was ordained by Bishop Provost. A few years after his Ordination, he returned to Connecticut, but the Bishop and Clergy of that State refused to recognize him as belonging to that Diocese. The question then arose as to what Diocese he really belonged to, which question was referred to the General Convention of 1804."

As we will have occasion to refer to the case of Rogers in another part of this work, further comment thereon is not necessary at this time. The case, however, showed the necessity of the canon which this Convention then enacted.

CONVENTION OF 1832

This Convention made Canon 9, of the Canons of 1804, Canon 12, and amended it by omitting the word "state," wherever it occurred therein.

Under this canon a question of considerable importance at that time arose. The question was how far the refusal of one bishop to ordain a candidate, was to be held conclusive by the bishop of another diocese. Briefly, the facts as stated by Dr. Hawks (*Con. and Canons*, pp. 167-171) were as follows:

The then Bishop of New York for certain reasons which did not in any way affect the character of the candidate, declined to ordain a certain candidate. He then applied to the Standing Committee of the Diocese of Rhode Island to be received as a candidate. Bishop Griswold of Massachusetts, who at that time had jurisdiction in Rhode Island, wrote to the Bishop of New York for information regarding the matter, and received "a long, particular, and very friendly answer." All this correspondence was laid before the Standing Committee of the Diocese of Rhode Island, and after very careful consideration of the matter, the committee recommended the candidate for ordination, and he was ordained by Bishop Griswold. As the case involved a question of much importance, and the General Convention met soon afterwards, the opinion of the House of Bishops was informally requested in the matter. Dr. Hawks' remarks: "It would seem that there was a preponderance of opinion in the Church, in favor of the course pursued by Bishop Griswold, for though, as we have stated, the subject came informally before the House of Bishops, for their opinion, yet no legislation took place which was thereafter to prevent the bishops from pursuing such a course as Bishop Griswold had taken. It is not hard to suppose that each Bishop felt that his personal and official independence of action might be compromised by any legislation on the subject, and it was, therefore, thought best to leave it as it stood, trusting to the mutual good understanding

of the bishops, and to their having a common interest in the exclusion of the unworthy, to prevent all probable evils.”

CONVENTION OF 1841

That the General Convention did not continue to hold the views regarding the right of a bishop to ordain a candidate who had been refused ordination by another bishop, which Dr. Hawks credits to the House of Bishops as cited above, is evident from the legislation of the Convention of 1841. This Convention amended Canon 9, Section 1, of the Canons of 1832, by the addition of the following paragraph at the end of said section:

No person who has previously applied for admission as a Candidate in any Diocese, and has been refused admission, or, having been admitted, has afterwards ceased to be a Candidate, shall be admitted as a Candidate in any other Diocese, until he shall have produced from the Bishop, or, if there be no Bishop, from the Standing Committee of the former Diocese, a certificate, declaring the cause for which he was refused admission, or for which he ceased to be a Candidate.

CONVENTION OF 1856

In the revision of the canons of ordination by this Convention, Section 1, of Canon 9, of the Canons of 1841, was made Section 2, Canon 3, but without amendment.

Canon 12, of the Canons of 1832, was made Canon 16, and without amendment.

CONVENTION OF 1859

In the revision of the whole Digest of Canons by this Convention, Canon 3, of the Canons of 1856, became Title I, Canon 2; the above cited Section 2 of the canon remaining without amendment.

Section 16, of the same canon was made Title I, Section 1, Canon 4, also without amendment.

CONVENTION OF 1871

In the revision of the canons of ordination by this Convention, Title I, Canon 2, Section 2, of the Canons of 1859, was made Title I, Canon 2, Section 2 (v) and amended to read as follows:

(v) A Bishop may not receive such application from a person who has been refused admission as a Candidate in any other Diocese, or who, having been admitted, has afterwards ceased to be a Candidate, until he shall have caused such person to produce a certificate from the Bishop in whose Diocese he has been refused admission, or has been a Candidate, declaring the cause of refusal, or of

cessation of Candidateship; and such certificate shall be laid before the Standing Committee of the Diocese in which such second application shall be made.

Canon 4, Section 1, of the Canons of 1859, became Canon 5, Section 1, and amended to read as follows:

Sec. 1. (i) No Candidate who may be refused Holy Orders, in any Diocese, shall be ordained in any other Diocese, except by renewal of Candidateship, under the provisions of Canon 2.

(ii) A Bishop who shall finally reject the application of a Candidate for Holy Orders, shall immediately notify such rejection to every Bishop and other Diocesan Ecclesiastical authority in this Church.

CONVENTION OF 1883

This Convention amended Title I, Canon 5, Section 1 (i), of the Canons of 1871, to read as follows:

Sec. 1. (i) No Candidate who may be refused Holy Orders, in any Diocese, shall be ordained in any other Diocese, except by renewal of Candidateship, under the provisions of Canon 2; but he may be allowed part or all the time of his previous candidateship at the discretion of the Bishop, and with the approval of the Standing Committee of the Diocese; *provided*, that before ordination he shall be a Candidate in such Diocese for not less than six months.

(ii) A Bishop who shall finally reject the application of a Candidate for Holy Orders, shall immediately notify such rejection to every Bishop or other Diocesan Ecclesiastical Authority in this Church.

CONVENTION OF 1892

In the revision of the canons of ordination by the Convention of this year, Title I, Canon 2, Section 2 (v) was stricken out, and Title I, Canon 5, Section 1, was made Title I, Canon 4, Section 7, and amended to read as follows:

Sec. 7. (i) Should the application for Holy Orders of a Candidate for the same be finally rejected by the Bishop, or should his application to the Standing Committee for recommendation for ordination be rejected, or should his name be stricken from the list of Candidates, it shall be the duty of the Ecclesiastical Authority of the Diocese or Missionary Jurisdiction to give immediate notice thereof to every other Ecclesiastical Authority of this Church.

(ii) A Candidate for Holy Orders in any Diocese or Missionary Jurisdiction of this Church, whose application for ordination shall have been formally rejected as above, or whose name shall have been stricken from the list, shall not be ordained in any other Diocese or Missionary Jurisdiction, except upon renewal of candidateship, said candidateship to continue for not less than one whole year. In any case where the application of a Candidate for Holy Orders shall have been rejected by any Bishop of this Church, it shall be competent to any other Bishop to decline an

application made to himself, if having duly informed himself of the facts of the case, he deem it expedient so to do.

CONVENTION OF 1904

This Convention in its revision of the Digest of Canons made Title I, Canon 4, Section 7, of the Canons of 1892, Canon 3, Section 4, and amended it to read as follows:

Sec. 4. A Candidate for Holy Orders in any Diocese or Missionary District of this Church, whose name shall have been stricken from the list of Candidates, or whose application for ordination shall have been rejected, shall not be ordained without re-admission to candidateship, said candidateship to continue for not less than one whole year; *provided*, that in no such case shall the whole term of candidateship be less than three years.

CONVENTION OF 1919

In its revision of the canons of ordination this Convention amended Section 4, of Canon 3, of the Canons of 1904, by inserting after the words "of this Church," in the second line thereof, these words: "or of any Church in communion with this Church."

This amendment was made in order to meet the cases of Candidates for Holy Orders in the English or Canadian Church who, having been refused by their own bishops, might seek ordination in this country.

CONVENTION OF 1946

For action at this Convention see above.

SECTION 5

The provision of this section that a candidate for Holy Orders shall not be allowed to be a deputy to the General Convention, was first enacted by the Convention of 1838.

CONVENTION OF 1838

The sixth canon of this Convention read as follows:

No person who is a Candidate for Holy Orders in this Church, shall be permitted to accept from any Diocesan Convention an appointment as a Lay Deputy to the House of Clerical and Lay Deputies of the General Convention.

This canon was enacted because it was discovered that a lay deputy in the Convention of 1838 from a certain diocese was a candidate for

orders. It was, of course, impossible to make the canon retroactive and affect the position in the Convention of the candidate in question, but after this canon was enacted, he tendered his resignation as a deputy, which the House unanimously refused to accept.

CONVENTION OF 1871

Canon 6, of the Canons of 1838, was made Title I, Canon 3, Section 3, and amended to read as follows:

Sec. 3. A Candidate for Holy Orders shall not be allowed to accept from any Diocesan Convention an appointment as a Lay Deputy to the House of Deputies of the General Convention.

CONVENTION OF 1892

In the revision of canons by this Convention no amendment was made to Title I, Canon 3, Section 3, except that it became Section 5 of Canon 4, Title I.

CONVENTION OF 1904

In the revision of the Digest of Canons by this Convention, Title I, Canon 4, Section 5, of the Canons of 1892 became Canon 3, Section 5, and was amended to read as follows:

Sec. 5. A Candidate for Holy Orders shall not be a deputy to the General Convention.

CONVENTION OF 1919

No change was made in this section by the Convention of 1919.

EXPOSITION OF CANON 28

There would seem to be but little need of any extended exposition of this canon, made up, as it is, of general provisions concerning candidates for Holy Orders.

The first section recognizes the inherent right of the bishop to have the superintendence of all candidates. The provision relating to the study and conduct of candidates would seem to be more in the nature of a brief homily, than a matter of canonical action.

While a candidate is obliged to remain in canonical connection with the diocese in which he has been admitted, provision is made that the ecclesiastical authority of the diocese may, for sufficient reasons, grant him letters dimissory to another diocese.

Formerly, the candidate was obliged to report to the ecclesiastical authority four times a year, without specifying when such report should be made. The present canon provides the exact time when these reports shall be made. The present canon provides that failure to make such reports renders him liable to be dropped from the list of candidates. He may also be dropped from the list of candidates if he fails to present himself for examination within three years from the date of his admission as a candidate.

While the ecclesiastical authority of the diocese, meaning thereby the standing committee when there is no bishop, may strike a candidate's name from the list in case he fails to report to them as prescribed by the canon, they would not seem to have the same power in the case of a candidate who fails to present himself for examination within the prescribed three years, as the second clause of Section 3 prescribes that it may be so stricken from the list "at the discretion of the Bishop."

A candidate rejected for any reason cannot be ordained without readmission as a candidate, such candidateship to continue for at least one year, with the provision that the whole term of candidateship must continue for the full term of three years as provided in the canons.

The reason why the provision was incorporated in the canons that a candidate for orders should not be a deputy to the General Convention, has already been sufficiently noted in the consideration of Section 5.

CANON 29

Of the Normal Standard of Learning and Examination of Candidates for Holy Orders

SECTION 1. (a). Before ordination to the Diaconate, the Candidate must pass examinations before the Board of Examining Chaplains in the following subjects required for Deacons' and Priests' Orders:

Subjects of
examination

- (1) Holy Scripture: The Old and New Testaments in English, their contents and historical background; a reading knowledge of the New Testament in Greek, together with special knowledge of one Synoptic Gospel and the Gospel according to Saint John, and of

three Epistles, one of which shall be Romans or First Corinthians;

- (2) Church History: From the beginning to the present time; together with:
 - (a) Special knowledge of a period or topic elected by the Candidate with the approval of the Examining Chaplains;
 - (b) The history, extent, and methods of Christian Missions;
 - (c) Ecclesiastical Polity;
- (3) Theology: Historical, philosophical, and systematic;
- (4) Christian Ethics, and Moral Theology;
- (5) Liturgics: The Principles and History of Christian Worship; the Contents of the Book of Common Prayer;
- (6) Practical Theology:
 - (a) The use of the Book of Common Prayer, the Administration of the Sacraments, and the Conduct of Public Worship;
 - (b) Homiletics: Principles of Sermon Composition and Delivery. In connection with the examination in this subject the Candidate shall present three sermons, composed by himself, on texts of Holy Scripture appointed by the Bishop;
 - (c) Pastoral Care;
 - (d) Parish Organization and Administration, including the keeping of records;
 - (e) Principles and methods of Christian Education in the Parish;
 - (f) Canon Law, including the Constitution and Canons of the General Convention, and of the Diocese or District to which the Candidate belongs;
 - (g) The use of the voice in reading and speaking.
- (7) He must also offer one of the following elective subjects:
 - (a) Hebrew,

- (b) The History of Religions,
- (c) The Philosophy of Religion,
- (d) Advanced Sociology,
- (e) Advanced Psychology,
- (f) Church Music,
- (g) Advanced Exegesis of the Greek New Testament.

The Board of Examining Chaplains may, in lieu of examination, accept satisfactory evidence of the fulfilment of the requirements in any of the above mentioned elective subjects.

(b). If a Candidate desires a dispensation from examination in the Greek of the New Testament, he shall make application to the Bishop in writing, stating his reasons for the request. The Bishop may, upon recommendation of the Board of Examining Chaplains, at his discretion, grant the same. A Candidate so dispensed shall be examined in the special exegetical knowledge in English of one Synoptic Gospel and the Gospel according to Saint John, and of three Epistles, one of which shall be Romans or First Corinthians.

Dispensation
from Greek

(c). If the Candidate has been a Minister or Licentiate in some other body of Christians, he shall also be examined, in writing, on those points of Doctrine, Discipline, Polity, and Worship, in which the communion from which he has come differs from this Church. This portion of the examination shall be conducted, in part at least, by written questions and answers; the replies shall be kept on file for at least three years.

Examination
of Candi-
dates from
other
Christian
Bodies

SEC 2. (a). In special cases, under urgent circumstances, with the approval of the Standing Committee and the Board of Examining Chaplains, a Candidate may be admitted to the Diaconate after passing examinations in the following subjects:

Limited
examination
for Deacon's
Orders in
special cases

- (1) Holy Scripture: The Bible in English, its contents and historical background;
- (2) Church History: a general outline;
- (3) Doctrine: The Church's teaching as set forth in the Creeds and the Offices of Instruction;

- (4) Liturgics: The Contents and Use of the Book of Common Prayer;
- (5) Practical Theology:
 - (a) The Office and Work of a Deacon,
 - (b) The Conduct of Public Worship,
 - (c) Principles of Sermon Composition and Delivery,
 - (d) Principles and Methods of Christian Education in the Parish,
 - (e) The Missionary Work of the Church,
 - (f) Constitution and Canons of the General Convention, and of the Diocese or District to which the Candidate belongs,
 - (g) The use of the voice in reading and speaking.

(b) Before his advancement to the Priesthood such a Candidate shall be examined in all the subjects prescribed in Section 1 (a) of this Canon.

Seminary
examination
not to
supersede
canonical
examinations

SEC. 3. (a). Examinations at any theological or other literary institution shall not supersede any canonical examination, nor shall any certificate of graduation or diploma be sufficient ground for dispensing with any part of the canonical examination, except as provided in this Canon.

Presenting
Priest
may attend
examination

(b) It shall be the privilege of the Priest who is to present a Candidate for ordination to be present at his examinations; but no other person save the Bishop shall be permitted to be present without the consent of the Board of Examining Chaplains.

To be
examined
by Bishop
before
Ordination

(c) The Candidate shall be examined by the Bishop in the presence of two Priests both before his ordination to the Diaconate and before his ordination to the Priesthood. The Bishop may conduct one or both of these examinations by taking some part in the regular examinations held by the Examining Chaplains.

The title of this canon, Of the Normal Standard of Learning and Examination of Candidates for Holy Orders, is a new title, given to this canon by the Convention of 1919. Some of its provisions, however, are to be found, in part at least, in former canons. The purpose of this

canon is to set forth the subjects in which the candidate must pass examinations before he can be ordained to the diaconate or to the priesthood, in what are called normal cases, that is, where no dispensations are granted, or where there are no special circumstances which admit of a relaxation in the requirements.

As the several sections relate to different provisions which formerly formed the subjects of separate canons, it may be well to pursue the same course we have adopted in the discussion of the last two canons, taking up each section separately.

SECTION I

The examinations required before ordination to the priesthood, now applicable to candidates for the diaconate, were made the subject of canonical legislation when the canons were first enacted.

CONVENTION OF 1789

This Convention enacted Canon 7, which read as follows:

No person shall be ordained in this Church until he shall have satisfied the Bishop and the two Presbyters, by whom he shall be examined, that he is sufficiently acquainted with the New Testament in the original Greek, and can give an account of his faith in the Latin tongue, either in writing or otherwise, as may be required. Unless it shall be recommended to the Bishop by two-thirds of the State Convention to which he belongs, to dispense with the aforesaid requisition in whole or in part: which recommendation shall only be good for good causes moving thereunto, and shall be in the following words, with the signature of the names of a majority of such Convention:

We, whose names are underwritten, are of opinion, that the dispensing with the knowledge of the Latin and Greek languages (or either of them, as the case may be) in the examination of A.B. for Holy Orders, will be of use to the Church of which we are the Convention, in consideration of other qualifications of the said A.B. for the Gospel ministry.

It will be noted that under this canon, the bishop could only grant a dispensation in Latin or Greek with the consent of a majority of the state convention. It may be that the reason why this power was not given to the several standing committees was, that they were constituted only a few months before this canon was enacted, and had not yet been appointed in all the dioceses. The more probable reason, however, is given by Dr. Hawks (*Con. and Canons*, p. 172), "It may have been thought that the judicious exercise of the dispensing power, was so important to the Church, that the general legislature did not

deem it prudent to confide it to any other hands, than those of a majority of the State Convention."

CONVENTION OF 1792

This Convention amended the seventh canon of the preceding Convention by the insertion, after the words "as may be required" in the fifth line, of the following words:

and that he hath a competent knowledge of moral philosophy, church history, and the belles lettres, and hath paid attention to rhetoric and pulpit eloquence, as the means of giving additional efficacy to his labors.

Dr. Hawks further remarks on this canon, as follows: "It will here be remarked, that the recommendation to dispense must still come from the Convention; and as Standing Committees were now appointed in all the dioceses, it strengthens the opinion already expressed, that the General Convention looked upon the power as of too much importance to be exercised by any authority less than that of the State Convention.

"Whether, as State Conventions usually met but once in a year, inconveniences were found to result in the unnecessary delay of candidates, or whether some other cause led to the measure, so it was, that in three years more the law was again altered, by granting *to the Bishop alone* the entire power of dispensation without reference to Convention or Standing Committee." (*Con. and Canons*, p. 174)

CONVENTION OF 1795

This Convention amended the seventh canon of 1792, making it Canon 4, and striking out the words "either in writing or otherwise, as may be required" after the words "in the Latin tongue." Also, by changing the last four lines of the canon, immediately before the form prescribed for the recommendation of the state convention, to read as follows:

unless the bishop shall judge it proper to dispense with the above requisites in part, in consideration of certain other qualifications in the candidate, peculiarly fitting him for the Gospel ministry.

The Convention also struck out the form prescribed by the former canon for the recommendation of the state convention.

It is evident that the Church in those early days was somewhat uncertain as to where the power of dispensation should be lodged. She had tried giving it to the state conventions, which evidently had

not proved to be wholly satisfactory. Now she gives it to the bishops. That this was also unsatisfactory would appear from the action of the next Convention.

CONVENTION OF 1799

This Convention enacted Canon 4, reading as follows:

Whereas, by the Canon of 1795, entitled, "of the learning of those who are to be ordained," a power is vested in the Bishops, of dispensing with certain enumerated requisites in part, which power is not only too indefinitely expressed, but may be abused; so much, therefore, of the said canon as authorizes Bishops to dispense with any of the qualifications required in candidates for Holy Orders, is hereby repealed.

While this canon remained as the law of the Church, no dispensations for any cause could be granted. That this law was felt to be too strict is evidenced by the action of the next Convention.

CONVENTION OF 1801

This Convention enacted Canon 2 of that year, the title of which was "Limiting the Operation of the 4th Canon of 1795" and reading as follows:

The Bishop of this Church, in any State, with the advice and consent of all the Clerical members of the Standing Committee of his diocese, may dispense with the knowledge of the Latin and Greek languages, and other branches of learning not strictly ecclesiastical, which are required by the 4th Canon of 1795.

This is the first time in which the standing committee, or a portion thereof, is mentioned as a council of advice.

CONVENTION OF 1808

In the general revision of the canons by this Convention the several canons heretofore noted, relating to the subject of requirements for ordination, and dispensations from such requirements, were combined into one canon, Canon 9 of that year, as follows:

No person shall be ordained in this Church until he shall have satisfied the Bishop and Presbyters by whom he shall be examined, that he is well acquainted with the Holy Scriptures, can read the New Testament in the original Greek, and give an account of his faith in the Latin tongue, and that he hath a competent knowledge of natural and moral philosophy and Church history, and hath paid attention to composition and pulpit eloquence, as means of giving additional efficacy to his labors. It is also declared to be desirable that every candidate for orders should be acquainted with the Hebrew language. But the Bishop, with the advice and consent of *all* the clerical members of the Standing Committee of his diocese, may dispense

with the knowledge of the Latin and Greek languages, and other branches of learning not strictly ecclesiastical, in consideration of certain other qualifications in the candidate, peculiarly fitting him for the gospel ministry.

CONVENTION OF 1832

In the revision of the Digest of Canons by this Convention, Canon 9, of the Canons of 1808, was made Canon 13, and amended by making the last sentence thereof, beginning with the words "But the bishop," to read as follows:

Unless the Bishop, with the consent of a majority of the Clerical Members of the Standing Committee of his Diocese, has dispensed with the knowledge of the Latin and Greek languages, and other branches of learning not strictly ecclesiastical, in consideration of such other qualifications for the Gospel ministry as are set forth in the fourth section of Canon 9. The dispensation with a knowledge of the Hebrew language, to be regarded as in Canon 9.

The second sentence of the former canon reading

It is also declared to be desirable that every candidate for orders should be acquainted with the Hebrew language

was stricken out, and after the words "Holy Scriptures," in the fourth line, were inserted the words,

can read the Old Testament in the Hebrew language.

The canons no longer required the consent of all the clerical members of the standing committee to the granting of dispensations, but only a majority thereof. Also, it was no longer their advice that the bishop is to seek in the matter, but their consent.

The former canon required a knowledge of the Hebrew language, but no provision was made for any dispensation therein. The Canon of 1832 provided for a dispensation in accordance with the provisions of Canon 9, of the Canons of 1832. This canon provided the steps that were to be taken by a candidate who desired a dispensation from any of the prescribed studies.

CONVENTION OF 1838

This Convention amended Canon 13, of the Canons of 1832, by making it Canon 5, and striking out the words

unless the Bishop with the consent of the majority of the Clerical Members of the Standing Committee,

and inserting in place thereof the following

unless the Bishop, with the consent of the Standing Committee.

The former canon required the consent of a majority of the clerical members of the standing committee to the granting of a dispensation; the canon as thus amended required the consent of a majority of all the members of the committee, lay as well as clerical.

No further amendment was made to this canon until the Convention of 1853.

As the canon we are at present considering is a compilation of several previous canons, as before stated, it will be necessary to consider two other canons on the subject before us.

CONVENTION OF 1808

The first of these canons referred to was Canon 11 of 1808, reading as follows:

A candidate for Priest's Orders shall, before his ordination, be required to undergo an examination in presence of the Bishop, and as many Presbyters as can conveniently be convened, on those leading books in the course of study prescribed by the House of Bishops, which he may have omitted in his preparation for deacon's orders.

The course of study here referred to was the "Course of Ecclesiastical Studies," established by the House of Bishops in the Convention of 1804. (*See Perry's Reprint of Journals, Vol. I., p. 315*)

The minimum requirement of this course is thus stated:

To set down what books shall be essential, no student to be ordained without being fully prepared to answer on them is more difficult. The lowest requisition is as follows: Paley's Evidences; Mosheim, with a reference to Mr. Hooker, and Mr. Reeves on the Common Prayer; Stackhouse's Body of Divinity; the Constitution and Canons of the Church; allowing, in the study of the Scriptures, a latitude of choice among approved commentators; it being understood, that if the student cannot, on the grounds contained in some good Commentary, give an account of the different books, and explain such passages as may be proposed to him, this is of itself a disqualification.

CONVENTION OF 1832

This Convention amended the above cited canon, making it Canon 18, and to read as follows:

A candidate for Priest's orders shall, before his ordination, be required to undergo an examination in presence of the Bishop, and two or more Presbyters, to be named by him, on any leading studies prescribed by the House of Bishops.

The Convention of 1832 also enacted Canon 21, Of those who have officiated as Ministers among other Denominations of Christians, and apply for Orders in this Church, the second section of which read as follows:

Sec. 2. When a person with the literary qualifications required by Canon 13, and ascertained as directed in Canon 14, Sec. 3, who has been a candidate for the ministry of some other denomination, or is a licentiate (or in some equal and corresponding station) therein, shall apply for orders in this Church, there may be deducted from his term of candidateship by the Bishop, with the consent of the Clerical Members of the Standing Committee, as long a period as he has already prosecuted Theological studies as a duly entered or admitted candidate of said denomination; provided, he shall have been a candidate for orders in this Church for at least six months. The testimonials of character and attachment to the Church, addressed to the Standing Committee, shall be as in the first section of this Canon, and his examinations, besides having the usual object of ascertaining his proficiency in theology, and the other required studies, shall also be especially directed to the points in which the denomination to which he before belonged differs from this Church, with the view of testing his soundness and sufficient information in the same.

CONVENTION OF 1838

This Convention amended Section 2, of Canon 21, of the Canons of 1832, now become a part of Canon 7, Section 4, making the provision regarding their examination to read as follows:

and in the examinations, special regard shall be had to those points in which the denomination whence they come differs from this Church, with a view of testing their information and soundness in the same; and also to the ascertaining that they are adequately acquainted with the liturgy and offices of this Church.

CONVENTION OF 1853

This Convention made Canon 5, of the Canons of 1838, relating to the learning of those to be ordained, Canon 6, and amending it as follows:

The title was amended to read Of the Learning of those who are to be Ordained Priests.

After the word "ordained" in the first line, was inserted the word "Priests."

Also, the words "as in Canon 6," were amended to read: "as in that canon."

This Convention also enacted Canon 8 of that year, Of the Prepara-

tory Exercises of a Candidate for Priest's Orders, the first section of which read as follows:

Sec. 1. There shall be assigned to every Candidate for Priest's Orders three different examinations, at such times and places as the Bishop to whom he applies for orders shall appoint. The examination shall take place in the presence of the Bishop and two or more Presbyters, on the following studies prescribed by the Canons, and by the course of study established by the House of Bishops. At the *first* examination, on the books of Scripture, the Candidate being required to give an account of the different books, and to translate from the original Greek and Hebrew, and to explain such passages as may be proposed to him. At the *second* examination, on the Evidences of Christianity and Systematic Divinity. And at the last examination, on Church History, Ecclesiastical Polity, the Book of Common Prayer, and the Constitution and Canons of the Church, and of the Diocese for which he is to be ordained. In the choice of books on the above subjects the Candidate is to be guided by the course of study established by the House of Bishops. At each of the aforementioned examinations he shall produce and read a sermon or discourse composed by himself, on some passage of Scripture previously assigned him, which, together with two other sermons, or discourses, on some passage of Scripture selected by himself, shall be submitted to the criticisms of the Bishops and Clergy present. And before his ordination, he shall be required to perform such exercises in reading in the presence of the Bishop and Clergy, as may enable them to give him such advice and instruction as may aid him in performing the service of the Church, and delivering his sermons with propriety and devotion. But such examinations may take place either before or after the admission of the Candidate to Deacon's Orders; provided that nothing in this Canon shall be construed to extend to any person now in Deacon's Orders.

The remaining sections of this canon relate to the conduct of the examinations and will be considered later.

CONVENTION OF 1856

In the revision of the canons of ordination by this Convention, Section 1, of Canon 8, of the Canons of 1853, was made Section 11, of Canon 5, and amended by striking out these words at the end thereof,

provided that nothing in this Canon shall be construed to extend to any person now in Deacon's Orders,

and inserting in place thereof the following:

Nothing in this Canon shall be construed to require any person who has already passed any examination to repeat the same.

This same Convention also amended Canon 18, of the Canons of 1832, making it Section 2, of Canon 5, and to read as follows:

Sec. 2. No person shall be ordained Priest in this Church until he shall have satisfied the Bishop and Presbyters by whom he shall be examined, that he is well

acquainted with the Holy Scriptures; can read the Old Testament in the Hebrew language, and the New Testament in the original Greek; is adequately acquainted with the Latin tongue; and that he hath a competent knowledge of Natural and Moral Philosophy, and Church History, and hath paid attention to Composition and Pulpit Eloquence, as a means of giving additional efficiency to his labors; unless the Bishop, with the consent of the Standing Committee of his Diocese, has dispensed with the knowledge of the Latin and Greek languages, and other branches of knowledge not strictly ecclesiastical, in consideration of such other qualifications for the Gospel Ministry as are set forth in Section 4 of this Canon. The dispensation with the knowledge of the Hebrew language to be regarded as in that Section.

CONVENTION OF 1859

In the revision of the Digest of Canons by this Convention, Section 2, of Canon 5, of the Canons of 1856, was made Title I, Canon 7, Section 11, but with no amendment made thereto.

Section 11, of Canon 5, of the Canons of 1856, was made Section 7, of the same canon, also without amendment.

The provision in Section 4, of Canon 7, of the Canons of 1838, regarding the examination of a person who has been a minister in some other religious body, was made a part of Title I, Canon 5, Section 6, without amendment.

CONVENTION OF 1871

This Convention made a thorough revision of the canons of ordination, and combined all the provisions of former canons relating to the examinations of candidates for orders into one canon: Title I, Canon 4.

The examinations for priest's orders were set forth in Sections 4, 5, and 7.

Section 4, read as follows:

Sec. 4. (i) There shall be assigned to every *Candidate for Priest's Orders* three different examinations, at such times and places as the Examining Chaplains shall appoint.

(ii) Except for extraordinary reasons of great urgency, these examinations shall not be accumulated into one, but shall each be assigned as the business of a separate day.

(iii) Each examination shall be conducted in part orally, and in part by questions or themes propounded in writing, to which written answers shall be made, in presence of one or more of the Examining Chaplains.

(iv) At the discretion of the Examining Chaplains, such written questions or themes may, or may not, be previously communicated to the Candidate.

(v) At each examination the Candidate shall produce, and read, a Sermon or Discourse, composed by himself, on some passage of Scripture assigned to him for

that purpose by the Bishop, and shall also hand in two other Sermons or Discourses on some passage or passages of Scripture elected by himself; all which Sermons or Discourses shall be submitted to the criticisms of the Examining Chaplains.

(vi) At either or all of the examinations, the Examining Chaplains may, and at some of them, at least, shall, subject the Candidate to such proof of his ability to conduct the Service of the Church in an edifying manner, and to deliver his Sermons with propriety and effectiveness, as shall fully satisfy them of his competence for the public duties of the Holy Ministry.

(vii) If the Candidate be one who, not having had Episcopal Ordination, has been acknowledged as an ordained or licensed Minister in any other denomination of Christians, and be not yet admitted to Deacon's Orders, he shall, at the first examination, be also examined on those points in which the denomination whence he comes differs from this Church, with a view of testing his information and soundness in the same.

(viii) No examination at any theological or other literary institution shall be held equivalent to any one or more Canonical examinations, or allowed to supersede the same; nor shall any certificate of graduation or diploma from any theological or other literary institution be held to be sufficient ground for dispensing with any part of the Diocesan examinations of a Candidate.

Sec. 5. The three examinations shall be:—

(i) *The first examination*, on the Books of Scripture, the Candidate being required to give an account of the different Books, to translate from the original Greek and Hebrew, and to explain such passages as may be proposed to him.

(ii) In cases of Candidates having dispensations from Latin, Greek, or Hebrew, and other branches of learning not strictly Ecclesiastical, the *first examination* shall extend only to the knowledge of the text and interpretation of the English Bible, with such other matters as are comprised in what are commonly known as Introductions to the Holy Scriptures.

(iii) *The second examination* shall be on the Evidences of Christianity, Christian Ethics, and Systematic Divinity.

(iv) *The third examination* shall be on Church History, Ecclesiastical Polity, the Book of Common Prayer—its history and contents, and the Constitution and Canons of this Church, and those of the Diocese to which the Candidate belongs.

(v) In all these examinations reference shall be had, as closely as possible, to the course of study established by the House of Bishops, and to the books therein recommended, or equivalent works of more recent date.

Sec. 7. (i) The examinations of a Candidate for Priest's Orders may take place either before or after ordination to the Diaconate.

(ii) [This clause refers to Deacon's Orders and will be noted later.]

(iii) The satisfactory passage of the *first examination* for Priest's Orders alone shall suffice for the admission of the Candidate to Deacon's Orders: *Provided* as above, and *further provided* that, in any case, before ordination, he be examined by the Bishop and at least two Presbyters on his familiarity with the Book of Common Prayer, in all its parts and adjuncts, and with the text of the Book of Articles; and that such examination on the Prayer Book be not held to have satisfied in his case the requisitions of the *third examination* for Priest's Orders.

CONVENTION OF 1892

This Convention made another complete revision of the canon of ordination, as follows:

Section 4 (i), of Canon 4, Title I, of the Canons of 1871, became Section 2, of Canon 6, Title I, and was amended to read as follows:

Sec. 2. There shall be assigned to every Candidate for Priest's Orders three separate examinations, to be held at such times and places, and with such adjournments from time to time, as the Examiners may appoint.

Section 4 (ii), of said Canon 4, was made Section 7, of the same canon, and amended to read as follows:

Sec. 7. Except for urgent or special reasons, these examinations shall not be accumulated into one.

Clauses (iii) and (iv) of said Section 4, were stricken out.

Clause (v) of the same section was made Section 8, and amended to read as follows:

Sec. 8. In the course of these examinations, the Candidate shall read or present three sermons composed by himself on some texts of Scripture, chosen by the Bishop or by himself, as the Bishop shall have determined.

Clause (vi) of the same section was made Section 9, of said Canon 6, and amended to read as follows:

Sec. 9. At any or at all of the above examinations, the Examiners may, and at some of them shall, subject the Candidate to such proof of his ability to conduct the services of the Church in an edifying manner, and to deliver his sermons with propriety and effectiveness, as shall fully satisfy them of his competence for the public duties of the Holy Ministry.

Clause (vii) of the same canon was made Section 5, of said Canon 6, and amended to read as follows:

Sec. 5. (i) Should the Candidate have come from another religious body, especial reference shall be had in all his examinations to the points upon which the denomination from which he has come differs from this Church.

(ii) So far as may be practicable, and to some extent at least, this portion of the several examinations shall be conducted by written questions and answers, the replies to which shall be placed on file.

Clause (viii) was made Section 3, of the said Canon 6, but as it will be considered later, it need not be noted at present.

Section 5, of said Canon 4, was made Section 6, of said Canon 6. Clauses (i) and (ii) received no amendment. Clause (iii) was

amended by striking out the last two words "Systematic Divinity," and inserting in place thereof the words: "Dogmatic Theology."

Clauses (iv) and (v) were not amended.

Section 7, of said Canon 4, was made Section 11 (i), of said Canon 6, and amended to read as follows:

Sec. 11. (i) All the examinations of a Candidate for Priest's Orders may take place, if desired by the Candidate, before his ordination to the Diaconate.

Clause (ii) of this section was amended by striking out all reference to priest's orders, and will be considered later.

CONVENTION OF 1904

In the revision of the whole Digest of Canons by this Convention, several changes were made in the provisions for the examination of a candidate for Holy Orders.

Title I, Canon 6, Section 2, of the Canons of 1892, was made Section 1 (ii), of Canon 6, and amended to read as follows:

Sec. 1. (ii) There shall be assigned to every Deacon desiring to be ordered Priest two separate examinations, to be held at such times, and with such adjournments from time to time, as the Examiners may appoint.

Section 7 of the same canon was made Section 2 (v), and amended to read as follows:

(v) The accumulation of these examinations, or any parts of them, may be permitted by the Bishop for urgent reasons.

Section 8, of the former Canon 6, was made clause (vi) of Canon 6, Section 2, and amended to read as follows:

(vi) In the course of these examinations, the Deacon shall present three sermons, composed by himself, on texts of Holy Scripture appointed by the Bishop.

Section 9, of former Canon 6, was made clause (vii) of Canon 6, Section 2, and amended to read as follows:

(vii) At one of his examinations, the Examiners shall subject the Deacon to such proof of his ability to conduct the services of the Church in an edifying manner and to deliver sermons with propriety and effectiveness, as shall satisfy them of his competency for the public duties of the Sacred Ministry. He shall also be subjected to a strict examination on the rubrics for ministering the Holy Sacraments.

Section 5, of former Canon 6, was transferred to Canon 4, Of the Examination of a Candidate desiring to be Ordered Deacon, and will be considered later.

Section 7, of former Canon 6, became Section 2, of Canon 6, and was amended to read as follows:

Sec. 2. (i) The first examination shall be in: The New Testament in Greek; the Evidences of Natural and Revealed Religion; Dogmatic Theology.

(ii) The second examination shall be in: The Old Testament in Hebrew; Christian Ethics; Ecclesiastical History from the Third Century; Ecclesiastical Polity; the History and Contents of the Book of Common Prayer; the Constitution and Canons of this Church and those of the Diocese to which the Deacon belongs.

(iii) In cases of dispensation from Greek and Hebrew, or either of them, the examinations in the Holy Scriptures shall not extend to the knowledge of the Bible in the language or languages from which the Deacon has been dispensed.

(iv) These examinations shall be conducted, at least in part, by written questions and answers.

Clauses (v), (vi), and (vii) have already been noted. Clauses (viii) and (ix) do not belong to the subject we are at present considering.

CONVENTION OF 1907

This Convention amended Canon 6, Section 2 (ii), by adding at the end thereof the following words:

and the principles and methods of Religious Education, especially as applied to the Sunday School.

CONVENTION OF 1919

This Convention made a complete revision of all the canons concerning ordination, and amended former Canon 6, now Canon 29, and combined the provisions of said Canon 6, so far as they related to the examinations before ordination to the priesthood, into Section 1, of said Canon 4.

As amended, Section 1 of Canon 4 of 1919 read as follows:

Section 1. (i.) Before ordination to the Priesthood, the Candidate must pass examinations before the Examining Chaplains in the following subjects:

1. Holy Scripture: The Bible in English; the New Testament in Greek, together with a special knowledge of at least two Gospels and two Epistles; History of the Canon Scripture; Introduction to, and Contents of, the various Books; Biblical History; Exegesis;
2. Church History: From the beginning to the present time; together with special knowledge of a period elected by the Candidate;
3. Christian Missions: Their history, extent and methods;
4. Doctrine: Dogmatic Theology and the Evidences of the Christian Faith;
5. Christian Ethics, and Moral Theology;
6. Liturgics: The Principles and History of Christian Worship; the Contents and use of the Book of Common Prayer;

7. Ecclesiastical Polity and Canon Law, including the Constitution and Canons of the General Convention, and of the Diocese to which the Candidate belongs;
8. Ministration:
 - (a) The Administration of the Sacraments; and Conduct of Public Worship, with the proper use of the voice therein;
 - (b) Homiletics: Principles of Sermon Composition and Delivery. In connection with the examination in this subject the Candidate shall present three sermons, composed by himself, on texts of Holy Scripture appointed by the Bishop;
 - (c) Pastoral Care;
 - (d) Parish Organization and Administration, including the keeping of accounts;
 - (e) Principles and Methods of Religious Education in the Parish;
9. He must also offer at least one of the following Elective subjects:
 - (a) Old Testament in Hebrew,
 - (b) Biblical Theology,
 - (c) History of Religions,
 - (d) Sociology,
 - (e) Psychology,
 - (f) A modern language other than English, with the ability to minister therein,
 - (g) Christian Archaeology,
 - (h) Christian Biography,
 - (i) Church Music,
 - (j) Advanced Exegesis of the Greek New Testament,
 - (k) Work of a specialized and advanced character in any recognized field of study.

The Board of Examining Chaplains may, in lieu of examination, accept satisfactory evidence of the fulfillment of the requirements in any of the above mentioned elective subjects.

(ii.) If a Candidate desires a dispensation from examination in the Greek of the New Testament, he shall make application to the Bishop in writing, stating his reasons for the request. The Bishop may, upon recommendation of the Board of Examining Chaplains, at his discretion, grant the same. A Candidate so dispensed shall be examined in the special knowledge of at least two Gospels and two Epistles in English, and shall also offer at least three elective subjects.

(iii.) If the Candidate have been a Minister or Licentiate in some other body of Christians, he shall also be examined, in writing, on those points of Doctrine, Discipline and Worship, in which the communion from which he has come differs from this Church. This portion of the examination shall be conducted, in part at least, by written questions and answers; the replies shall be kept on file for at least three years.

CONVENTION OF 1934

At this Convention an amendment was proposed by a clerical deputy striking all of Section 1 (a), then Canon 4, Section 1 (i), and substituting as the sole subject of examination "Church History: a general outline, together with the history of this Church in the United States

of America, and special knowledge of a period selected by the candidate."

This was referred to the Committee on Canons which does not appear to have reported on it.

CONVENTION OF 1946

The revision of 1946, providing that normally one examination should be required for both diaconate and priesthood, included the revision of this section to read as at present.

SECTION 2

This section now contains the provisions for the examination of a candidate before his ordination to the diaconate if in special cases, under the conditions specified, the candidate is to be ordained without having passed the examinations listed in Section 1 (a) as normally required for both orders.

In the earlier canons the subjects for examination for the diaconate and for the priesthood were combined, and many of them we have, therefore, already considered in the discussion of the first section of this canon.

CONVENTION OF 1808

The first reference to examinations of candidates for deacon's orders, as distinguished from examinations for priest's orders is found in Canon 10, of the Canons of 1808, which read as follows:

There shall be assigned to every candidate for deacon's orders, four different examinations, at such times and places as the Bishop to whom he applies shall appoint, and if there be a Bishop within the State or diocese where the candidate resides, he shall apply to no other Bishop for ordination without the permission of the former. The examinations shall take place in the presence of the Bishop or as many Presbyters as can conveniently be convened, on the following studies prescribed by the canons, and by the course of study established by the House of Bishops.

At the first examination—on some approved treatises on natural philosophy, moral philosophy and rhetoric, and the Greek Testament; and he shall be required to give an account of his faith in the Latin tongue. At the second examination—on the books of Scripture; the candidate being required to give an account of the different books, and to explain such passages as may be proposed to him. At the third examination—on the Evidences of Christianity, and systematic divinity. And at the last examination—on Church history, Ecclesiastical Polity, the Book of Common Prayer,

and the Constitution and Canons of the Church, and of the diocese or State for which he is to be ordained. In the choice of books on the above subjects, the candidate is to be guided by the course of study established by the House of Bishops. At each of the forementioned examinations he shall produce and read a sermon or discourse, composed by himself on some passage of Scripture previously assigned him; which sermon or discourse shall be submitted to the criticism of the Bishop and clergy present. And before his ordination, he shall be required to perform such exercises in reading, in the presence of the Bishop and clergy, as may enable them to give him such advice and instructions as may aid him in performing the service of the Church, and in delivering his sermons with propriety and devotion.

If the candidate should not reside convenient to the residence of the Bishop, the Bishop may appoint some of his Presbyters to conduct the above examinations; and a certificate from these Presbyters, that the prescribed examinations have been held accordingly, and satisfaction given, shall be required of the candidate. Provided that, in this case, the candidate shall, before his ordination, be examined by the Bishop and some of his Presbyters on all the above named studies.

In a diocese where there is no Bishop, the Standing Committee shall act in his place for the purpose of carrying into effect this canon; and in this case the candidate shall be examined by the Bishop to whom he applies for orders and his Presbyters, on the studies prescribed by the canons.

A clergyman who presents a person to the Bishop for orders as specified in the office of ordination, without having good grounds to believe that the requisitions of the canons have been complied with, shall be liable to ecclesiastical censure.

CONVENTION OF 1832

In the revision of the canons by this Convention, Canon 10, of the Canons of 1808, was made Canon 14, and amended as follows:

The first two paragraphs of the former canon were made Section 1, of the new canon, and these words in the third, fourth, and fifth lines of the second paragraph were stricken out:

and the Greek Testament; and he shall be required to give an account of his faith in the Latin tongue,

and these words inserted in place thereof:

and in the Hebrew Bible, the Greek Testament, and the Latin tongue.

Also, the words "which sermon or discourse," in the ninth from the last line of said second paragraph, were stricken out, and in place thereof these words were inserted:

which, together with one other sermon or discourse on some passage of Scripture selected by himself.

The third paragraph of the former canon was made Section 2, and the words at the beginning thereof, reading

If the candidate should not reside convenient to the residence of the Bishop were stricken out.

Also, in said paragraph, the words "and some of his Presbyters on all the above named studies" at the end thereof, were stricken out, and these words inserted in place thereof: "and two or more Presbyters, on the above named studies."

The fourth paragraph of the former canon was made Section 3, and these words "for the purpose of carrying into effect this canon" in the second and third lines thereof were stricken out, and these words inserted in their place: "in appointing the examining Presbyters required by this canon."

Also, the word "again" was inserted before the word "examined," in the fourth line. The words "and his Presbyters," in the fifth and sixth lines, were stricken out, and these words inserted in place thereof: "and two or more Presbyters."

The last paragraph of the former canon was made Section 4, of the new canon but remained without amendment.

It will be noticed that under the provisions of this canon, although a candidate might have been thoroughly examined by the presbyters appointed by the bishop for that purpose, in all the studies prescribed by the canons, he must also be examined by the bishop himself, personally.

CONVENTION OF 1841

This Convention amended Canon 14, of the Canons of 1832, making it Canon 5 of that year, and amending it to read, in part, as follows:

Sec. 1. There shall be assigned to every Candidate for Deacon's Orders, three different examinations, at such times and places as the Bishop to whom he applies shall appoint. The examination shall take place in the presence of the Bishop and two or more Presbyters, on the following studies prescribed by the Canons, and by the course of study established by the House of Bishops. At the first examination, on the books of Scripture: the Candidate being required to give an account of the different books, and to translate from the original Hebrew and Greek, and to explain such passages as may be proposed to him. At the second examination—on the Evidence of Christianity, and Systematic Divinity. And at the last examination—on Church History, Ecclesiastical Polity, the Book of Common Prayer, and the Constitution and Canons of the Church, and of the Diocese for which he is to be ordained. In the choice of books on the above subjects, the Candidate is to be guided by the course of study established by the House of Bishops. At each of the aforementioned examinations, he shall produce and read a Sermon or Discourse, composed by himself, on some passage of Scripture previously assigned to him, which, together with two other Sermons or Discourses, on some passage of Scrip-

ture selected by himself, shall be submitted to the criticisms of the Bishop and Clergy present. And before his Ordination, he shall be required to perform such exercises in reading, in the presence of the Bishop and Clergy, as may enable them to give him such advice and instructions as may aid him in performing the service of the Church, and in delivering his Sermons with propriety and devotion.

The remaining sections of the said Canon 14 were enacted without amendment.

CONVENTION OF 1853

This Convention made Canon 5, of the Canons of 1841, Canon 8, and amended it by making the title thereof Of the Preparatory Exercises of a Candidate for Priest's Orders.

Section 1 was amended by substituting the word "Priest's" for the word "Deacon," in the second line thereof, and by adding at the end of said section the following:

But such examinations may take place either before or after the admission of the Candidate to Deacon's Orders; provided that nothing in this Canon shall be construed to extend to any person now in Deacon's Orders.

The remaining sections were not amended.

This canon has already been considered under Section 1, of Canon 4, of the Canons of 1919, and need not be noted further.

CONVENTION OF 1856

As the Convention of 1853 had so amended the former canon, relating to the examinations for deacon's orders, as to make it apply to the examinations for priest's orders, there was no provision made for the course of study which a deacon must pursue. The Convention of 1856, therefore, in its revision of the canons of ordination, enacted Canon 4, Of Deacons, the first section of which read as follows:

Sec. 1. Every person hereafter to be Ordained Deacon in this Church shall be examined by the Bishop and two Presbyters, whose duty it shall be to ascertain that he is well acquainted with the Holy Scriptures, and the Book of Common Prayer, and who shall inquire into his fitness for the ministrations declared in the Ordinal to appertain to the office of a Deacon, and be satisfied thereof.

Section 3, of the same canon, read as follows:

Sec. 3. Candidates who, not having Episcopal Ordination, have been acknowledged as Ordained or Licensed Ministers among any other denomination of Christians, may, at the expiration of not less than six months from their admission as Candidates, be Ordained Deacons on their passing the same examinations as other Candidates for Deacon's Orders; and in the examinations, special regard shall be

had for those points in which the denomination whence they come differs from the Church, with a view of testing their information and soundness in the same, and also to the ascertaining that they are adequately acquainted with the Liturgy and Offices of this Church; *provided*, that in their case the testimonials shall be required to cover only the time since their admission as Candidates for Orders.

While no express provisions were made in the Canons of 1856, prescribing the exact studies to be pursued by a deacon, as were prescribed for a candidate for priest's orders, the language of the next to the last sentence in Canon 5, Section 11, would seem to indicate that the studies prescribed in that section would, in part at least, apply to those who were candidates for deacon's orders. This sentence read as follows: "Such examinations may take place either before or after the admission of the Candidate to Deacon's Orders."

CONVENTION OF 1859

In the revision of the Digest of Canons by this Convention, Canon 4 of the Canons of 1856, became Title I, Canon 5.

Section 1, of the said Canon 4, was enacted without amendment, as was also Section 3, except that it was made Section 6.

Section 11, of former Canon 5, was made Section 7, of Canon 7, but with no material amendment thereto.

CONVENTION OF 1871

This Convention in its revision of the canons of ordination enacted a special provision for the examination of a deacon. Title I, Canon 4, Section 3, of the canons of that Convention, read as follows:

Sec. 3. (i) *The examination of a Candidate for the office and administration of a Deacon* only, shall be so conducted as may most thoroughly ascertain the extent of his acquaintance with the Holy Scriptures of the Old and New Testaments—in every part of which he shall be required to be well versed—and also his familiarity with the Book of Common Prayer, in all its parts and adjuncts, and with the Book of Articles.

(ii) The Candidate shall also be examined as to his sufficiency for the edifying performance of the Service of the Church, and for the ministration of the Office of a Deacon, in all its parts and functions.

(iii) If the Candidate be one who, not having had Episcopal Ordination, has been acknowledged as an ordained or licensed Minister in any other denomination of Christians, he shall also be examined on those points in which the denomination whence he comes differs from this Church, with a view of testing his information and soundness in the same.

This section contains the former provisions relating to the examination of candidates for deacon's orders.

Section 7, of this same Canon 4, read as follows:

Sec. 7. (i) The examinations of a Candidate for Priest's Orders may take place either before or after ordination to the Diaconate.

(ii) Their satisfactory passage by the Candidate shall be his sufficient examination for Deacon's Orders:

Provided, that if the Bishop shall not have taken part in one or more of such examinations, then the Candidate shall be examined by the Bishop and two Presbyters in the mode prescribed in Sec. 3 of this Canon.

(iii) The satisfactory passage of the *first* examination for Priest's Orders alone shall suffice for the admission of the Candidate to Deacon's Orders.

The remainder of this clause pertains more particularly to the examinations for priest's orders.

Clause (iii) clearly implied that the first examination for priest's orders should suffice for admission to the diaconate. The provision of Section 5 (i) and (ii) have already been noted under the discussion of Section 1, as above, but as its provisions also related to the examination for deacon's orders it may be well to note the said clauses at this time.

Sec. 5. (i) *The first examination*, on the Books of Scripture, the Candidate being required to give an account of the different Books, to translate from the original Greek and Hebrew, and to explain such passages as may be proposed to him.

(ii) In cases of Candidates having dispensations from Latin, Greek, or Hebrew, and other branches of learning not strictly Ecclesiastical, the *first examination* shall extend only to the knowledge of the text and interpretation of the English Bible, with such other matters as are comprised in what are commonly known as Introductions to the Holy Scriptures.

The difference between the requirements of Section 3, prescribing the examinations for deacon's orders only, and the first examination for priest's orders as prescribed by Section 5, would seem to have been that the candidate for priest's orders, before his ordination to the diaconate, must be able to give an account of the different books of Holy Scripture, to translate from the original Greek and Hebrew, unless he have a dispensation therefrom, and to explain such passages of Scripture as may be proposed to him; while the candidate for deacon's orders only, must show an acquaintance with every part of the Old and New Testaments, but is not required to translate from the original Greek or Hebrew, and also a familiarity with the Book of Common Prayer and the Book of Articles.

CONVENTION OF 1892

In the revision of the canons of ordination, the whole structure of Canon 4, of the Canons of 1871, was changed. In place of said Canon 4, Of Examinations, the Convention enacted two canons, Canon 5, Of the Learning and Examinations of Candidates for Deacon's Orders only, and Canon 6, Of the Learning and Examinations of a Candidate for Priest's Orders.

Canon 5 read as follows:

Sec. 1. A Candidate for Deacon's Orders only, who shall fail to present himself for examination within three years from the date of his admission as such Candidate, shall be liable, after due notice, to be dropped from the list of Candidates, at the discretion of the Bishop.

Sec. 2. (i) The Bishop, or, if the Diocese be vacant, the clerical members of the Standing Committee, shall assign to the Candidate his Examiners, who shall be two or more Presbyters of good learning, and (if possible) Examining Chaplains of the Diocese or Jurisdiction, and who, upon due notification of the duty laid upon them, shall proceed as speedily as may be to its performance, in accordance with the provisions of this section.

(ii) The examination of a Candidate for the Order of Deacons only shall be so conducted as may most thoroughly ascertain:

- (a) His proficiency in the English language.
- (b) The extent of his acquaintances with the Holy Scriptures of the Old and New Testament, in every part of which he must be well versed.
- (c) His familiarity with the Book of Common Prayer, in all its parts and adjuncts, especially with the Order of Daily Prayer, with the text of the Articles of Religion, with the form and manner of making Deacons, and with the instructions therein given as to the duties of the office.
- (d) His sufficiency for conducting the services of the Church, and ministering in the office of a Deacon in all its parts and functions.

(iii) If the Candidate has come from another religious body, he shall be also examined on those points in which the denomination from which he has come differs from this Church, with a view to test his information and soundness of doctrine with respect to the same.

This portion of the examination shall be conducted, in part at least, by written questions and answers, and the replies shall be placed on file.

The remainder of the canon relates to matters which will be considered later.

Section 7 (i) and the first sentence of clause (iii) of the same section of Canon 4, Title I, of the Canons of 1871, became Section 11, of Canon 6, and amended to read as follows:

Sec. 11. (i) All the examinations of a Candidate for Priest's Orders may take

place, if desired by the Candidate, before his ordination to the Diaconate.

(ii) The successful passage for the *first* examination shall suffice for his admission to Deacon's Orders.

This "first examination" referred to was contained in Section 6, (i) and (ii) of said Canon 6, and was in the same words as above noted, in Canon 4, Section 5 (i) and (ii), Canons of 1871.

CONVENTION OF 1904

This Convention in its revision of the Digest of Canons eliminated all provisions for examinations for deacon's orders only. It enacted Canon 4, Of the Examination of a Candidate desiring to be Ordered Deacon, the second section of which read as follows:

Sec. 2. (i) The Candidate shall be examined in:

- (a) The Books of Holy Scripture, the Candidate being required to give an account of the different Books, and to explain such passages as may be proposed to him.
- (b) Passages from the Old Testament in the Hebrew, previously assigned, and one Book of the New Testament in the Greek, previously assigned, unless he has a dispensation from those languages.
- (c) The Book of Common Prayer.
- (d) The doctrine of the Church, as set forth in the Apostles' and Nicene Creeds.
- (e) Ecclesiastical History of the first three centuries.
- (f) The English language, unless he is to be licensed to officiate in a foreign language.
- (g) The office and ministrations of a Deacon.
- (h) The Constitution and Canons of this Church, and those of the Diocese to which the Candidate belongs.

(ii) This examination shall be conducted, at least in part by written questions and answers.

The remainder of the section does not relate to the examination of a candidate for the diaconate, except one who has been a minister in some other religious body, which provision is considered under another section.

CONVENTION OF 1907

A slight amendment was made to Section 2, of Canon 4, of the Canons of 1904, providing for an examination in the principles and methods of religious instruction, as follows:

(i) The principles and methods of Religious Education, especially as applied to the Sunday School.

CONVENTION OF 1919

Section 2 of Canon 4 was amended to read as follows:

Sec. 2. Before admission to the Diaconate, it shall suffice that the Candidate pass examinations in the following portions of the requirements set forth in Sec. 1 of this Canon. And before his advancement to the Priesthood he shall not be required to be reexamined in these subjects, or portions of subjects, unless the Examining Chaplains have warned him beforehand of this requirement in specified subjects, except that in any event the candidate must be reexamined in the Conduct of Public Worship with the proper use of the voice therein;

1. Holy Scripture: The Bible in English; Contents and Interpretation of the various Books; Biblical History;
2. Church History: A general outline, together with the history of this Church in the United States of America;
3. Christian Missions: Their history, extent and methods;
4. Doctrine: The Church's teaching as set forth in the Creeds and Catechism;
5. Liturgics: The Contents and Use of the Book of Common Prayer;
6. Constitution and Canons of the General Convention, and of the Diocese to which the Candidate belongs;
7. Ministration:
 - (a) The Office and work of a Deacon,
 - (b) Conduct of Public Worship, with the proper use of the voice therein,
 - (c) Principles of Sermon Composition and Delivery,
 - (d) Principles and Methods of Religious Education in the Parish.

The subjects of the examinations for deacon's orders as now prescribed by canon differ somewhat from those formerly prescribed and will be noted in the exposition of the canon.

CONVENTION OF 1937

A memorial was presented from the Diocese of Rhode Island with reference to modification of the subjects of examination for the diaconate so that candidates would be required to take the full list of subjects. The Committee on Canons of the House of Deputies reported such an amendment as inexpedient and its report was adopted.

It took several years to accomplish that change.

CONVENTION OF 1946

In the revision of the ordination canons made at this Convention this section was amended to read as at present. It provides a list of subjects for examinations of a candidate for the diaconate where, in exceptional cases, such examinations are given separately from the combined examinations provided in Section 1.

SECTION 3

The three clauses of this section, relating to seminary examinations, the presenting priest to be allowed to attend the examination of a candidate for the diaconate, and the examination of a candidate by the bishop in person, are provisions taken, as far as the principles thereof are concerned, from former canons.

CONVENTION OF 1808

In Canon 10 of 1808, was contained the first provision of the General Convention on this subject. The third paragraph of that canon made provision for the appointment of presbyters to conduct the examination of a candidate in case he did not reside convenient to the residence of the bishop. The last sentence thereof read as follows:

Provided that, in this case, the candidate shall, before his ordination be examined by the Bishop and some of his Presbyters on all of the above mentioned named studies.

The provision of this canon would seem to evidence the great care which the Church took, even in those early days, to have her ministers thoroughly prepared for their work. No matter how thorough may have been their examinations at the hands of the examining presbyters, the bishop must also examine the candidate on all the studies named for his examination.

CONVENTION OF 1832

This Convention amended Canon 10 of 1808, making it a part of Canon 14, Section 2, and amending it by striking out the words "some of his Presbyters on all of the above named studies" at the end of the last sentence of said canon, as above cited, and inserting in place thereof the following: "two or more Presbyters, on the above named studies."

CONVENTION OF 1853

This Convention amended Canon 14, Section 2, of the Canons of 1832, making it Canon 8, Section 2.

CONVENTION OF 1856

This Convention made the above cited provision of Canon 8, Section 2, of the Canons of 1853, Canon 5, Section 12.

CONVENTION OF 1871

This Convention made the provision of Canon 5, Section 12, as above noted, Title I, Canon 4, Section 6 (iii), and to read as follows:

(iii) If any Candidate for Priest's Orders be not examined by the Bishop in at least one of the examinations by the Examining Chaplains, he shall, before his ordination, be examined by the Bishop and two or more Presbyters, on the subjects above prescribed.

This Convention also enacted Canon 4, Section 4 (viii) of Title I, which was the first legislation of General Convention providing that seminary examinations were not to be held equivalent to the canonical examinations. This clause read as follows:

(viii) No examination at any theological or other literary institution shall be held to be equivalent to any one or more Canonical examinations, or allowed to supersede the same; nor shall any certificate of graduation or diploma from any theological or other literary institution be held to be sufficient ground for dispensing with any part of the Diocesan examinations of a Candidate.

Section 6 (ii) of the same canon enacted by this Convention, was the first legislation of General Convention permitting the priest who is to present a candidate for ordination to be present at his examinations. This clause read as follows:

(ii) The Bishop may also invite the presence and assistance, at any such examination, of any Presbyter to whom he may desire to assign the duty of presenting one or more of the Candidates for ordination.

This same Convention also enacted Section 7, of the said Canon 4, reading, in part, as follows:

Sec. 7. (i) The examinations of a Candidate for Priest's Orders may take place either before or after ordination to the Diaconate.

(ii) Their satisfactory passage by the Candidate shall be his sufficient examination for Deacon's Orders: *Provided*, that if the Bishop shall not have taken part in one or more of such examinations, then the Candidate shall be examined by the Bishop and two Presbyters in the mode prescribed in Sec. 3 of this Canon.

By construing this section together with Section 6 (ii), noted above, there would seem to be no doubt but that the presenting priest would have the right to be present at the examination of the candidate to be ordained deacon, if he be invited thereto by the bishop.

CONVENTION OF 1892

This Convention in its revision of the canons of ordination amended some of the provisions we have been considering.

Title I, Canon 4, Section 6 (iii), was made Canon 5, Section 2 (vi), of Title I, and amended to read as follows:

(vi) No Bishop shall ordain any person under the provisions of this Canon, without having first at some time examined him in the presence of two Presbyters.

Title I, Canon 4, Section 4 (viii), was made Canon 6, Section 3, of the same title, without amendment.

Title I, Canon 4, Section 6 (ii), was made Canon 6, Section 4 (i), and amended to read as follows:

(i) The Bishop may invite the presence and assistance of any Presbyter to whom he may propose to assign the duty of presenting the Candidate. And it shall be the privilege of such Presbyter to be present, should he desire it. But without such reason no person, save the Bishop, shall be permitted to be present, without the consent of the appointed Examiners.

Section 11 (i) and (ii), of the same canon, was made Section 11, of the said Canon 6, and amended to read as follows:

Sec. 7. (i) All the examinations of a Candidate for Priest's Orders may take place, if desired by the Candidate, before his ordination to the Diaconate.

(ii) The successful passage for the *first* examination shall suffice for his admission to Deacon's Orders.

CONVENTION OF 1898

This Convention amended Title I, Canon 6, Section 11 (ii), making it to read as follows:

(ii) It shall suffice for his admission to Deacon's Orders, if he shall have passed an examination in the Book of Common Prayer, its history and contents, and the first examination for Priest's Orders.

CONVENTION OF 1904

This Convention in its revision of the Digest of Canons amended Title I, Canon 5, Section 2 (vi), making it Canon 4, Section 3, and to read as follows:

Sec. 3. If the Bishop shall not have taken part in any of the above examinations, then the Candidate shall be examined by him in the presence of two Presbyters.

Title I, Canon 6, Section 3, was made Canon 4, Section 1 (ii), and amended to read as follows:

(ii) Examinations in any theological or other literary institution shall not supersede any canonical examination; nor shall any certificate of graduation or diploma be sufficient ground for dispensing with any part of the canonical examination.

Section 4 (i) of the same Canon was made (iii) of Canon 4, Section 1, and amended to read as follows:

(iii) The Bishop may invite the presence and assistance of the Priest who is to present the Candidate, and it shall be the privilege of such Priest to be present; but no other person save the Bishop shall be permitted to be present without the consent of the Examiners.

Section 11 (i), of the same canon, was made Canon 6, Section 3, and amended to read as follows:

Sec. 3. These examinations may be held, if desired by a Candidate, before he is ordered Deacon.

Clause (ii) of Section 11, was stricken out.

CONVENTION OF 1919

This Convention amended Canon 4, Section 3, making it (iii) of the same canon and section, and to read as at present.

Canon 4, Section 1 (ii) was made (i) of the same section, also slightly amended to read as at present.

Canon 4, Section 1 (ii) was made Section 3 (i) and amended to read as at present.

Section 3 of Canon 6 was stricken out.

CONVENTION OF 1943

In the rearrangement of this year this canon became Canon 28.

CONVENTION OF 1946

At this Convention this canon was renumbered Canon 29 and amended to read in its present form.

EXPOSITION OF CANON 29

The canon now governs ordination to the diaconate as well as to the priesthood so that there is one examination as suggested by Rhode Island in 1937.

The canon prescribes the subjects of examination in normal cases, that is, where no dispensations are granted and distinct from special cases in which some relaxation is granted.

It is interesting to note the gradual advance in the list of subjects

required for ordination. In 1789 the candidate was only required to be "sufficiently acquainted with the New Testament in Greek, and can give an account of his faith in the Latin tongue," and even from these requirements it was possible for a dispensation. In 1804, the House of Bishops set forth a "Course of Ecclesiastical Studies," and the candidate was required to undergo an examination in the leading books included in that course. This course continued to be the guide on the studies to be pursued by the candidate until the revision of the Digest of Canons by the Convention of 1904.

In 1853, three examinations were assigned to candidates, and the subjects required in each of these examinations were set forth. In the same year, the candidate was required, for the first time, to produce and read three sermons composed by himself, one on a text previously assigned to him, and the other two on texts chosen by himself.

While the Convention of 1871 thoroughly revised the canons of ordination, little change was made in the subjects required of candidates for examination, except that an examination in the Articles of Religion was also required.

In the next revision of the canons of ordination by the Convention of 1892, the subjects for examination before ordination to the diaconate were enlarged and made more definite. Little change, however, was made in the requirements for ordination to the priesthood.

The Convention of 1904 again increased the requirements for ordination. The examination in the Articles of Religion prescribed by the Convention of 1871, was, however, stricken out of the requirements by this Convention.

The Convention of 1871 evidently had in mind the establishment of a perpetual diaconate by providing for "the examination of a Candidate for the office and ministration of a Deacon only." Such a candidate was only required to be well versed in the Holy Scriptures, the Book of Common Prayer, and the Book of Articles. Evidently, the Thirty-nine Articles of Religion commanded more respect in those days than they do at present, when attempts are being made to "bind them up outside of the Prayer Book." The Convention of 1904 eliminated all provisions relating to candidates for deacon's orders only.

An interesting question arose some years ago in connection with a certain deacon who had been ordained as a perpetual deacon under the provisions of the canons then in force. Afterwards he was transferred to another diocese. Because of his good work and his aptitude

for rural work, the bishop of the diocese to which he was transferred desired to advance him to the priesthood, but the standing committee of that diocese refused to give its consent thereto, holding that he was not canonically a candidate for the priesthood, and that he must make a new application to be admitted as such candidate.

The bishop referred the question to a then well-known canonist for his opinion in the matter.

He gave as his opinion, that every candidate for deacon's orders, or any ordained deacon becomes *ipso facto* a candidate for priest's orders without any action whatever on the part of the standing committee. The subject was somewhat obscured by the phrase "the permanent Diaconate," which implied that the Church had contemplated the establishment of a special order of deacons who were not expected to be advanced to the priesthood. Such an idea was then without foundation. At every ordination of a deacon, without exception, the ordaining bishop offers the prayer that the men whom he has just ordained "may so well behave themselves in this inferior office that they may be found worthy to be called to the higher ministries."

Under the Canons of 1904 (after which date, the question we are considering arose), the distinction between candidates for deacon's orders only and candidates for the priesthood was eliminated, so that after that year all men seeking orders were simply admitted as "Candidates for Holy Orders," and therefore, by necessary implication it made candidates for both orders alike, and all deacons candidates for priest's orders.

It would seem clear that the deacon in question was, under the Canons of 1904, a candidate for priest's orders, without any action either of the bishop or the standing committee, and that if he was ready to pass the examinations prescribed in those canons, he would have the same right to do so as if he had originally been admitted under those canons.

While repeated efforts have been made to induce the General Convention, by canon, to permit satisfactory evidence that the candidate has sustained a successful examination in some recognized theological seminary in the subjects prescribed for examination before ordination to the diaconate to take the place of examinations by the examining chaplains in those subjects, such efforts have not been successful. It was felt that the examining chaplains, being obliged to testify to the bishop that the candidate has successfully sustained examinations in

the subjects prescribed, could do so conscientiously only from knowledge thereof, gained by personal examination. The canon under consideration forbids the examining chaplains to allow any examinations at a theological seminary, or any diploma or certificate thereof to supersede the canonical examinations. One exception, however, to this rule is allowed. In addition to the regular prescribed subjects, a candidate must, before ordination to the priesthood, offer one of several prescribed elective subjects, or, in case a candidate be dispensed from examination in Greek, then he must be examined on the exegesis of specified books of the New Testament. In such cases, the examining chaplains are allowed, in lieu of examinations in such elective subjects, to accept satisfactory evidence that the candidate has fulfilled the requirements in such subjects.

The Joint Commission on Theological Education in its report to the General Convention of 1946, after giving its reasons for one examination prior to admission to the diaconate covering all subjects formerly required only of a candidate for the priesthood, said:

Since, however, there will be desired exceptions to this recommended procedure, a clause is inserted, Canon 29, Section 2 (a), which permits a separate examination for the Diaconate according to a separate list of required subjects. (*Jour. Con. 1946, p. 637*)

The report had given as a reason for a single examination the fact that when a man is once ordained to the diaconate his ordination to the priesthood is, in normal circumstances, a foregone conclusion.

While the canon as it now stands since the 1946 revision contemplates that normally a candidate will be required to pass the combined examinations described in Section 1 (a) before ordination to the diaconate, the separate list of required subjects provided for the diaconate alone permits ordination to that order before the end of a candidate's senior year in seminary. This will permit the candidate to be ordained soon after his graduation, if he passes the examinations listed in Section 2 (a).

The canon contemplates that this procedure will be exceptional, and it requires the approval of the standing committee and the Board of Examining Chaplains. Usually this plan is followed when there is need in the diocese for priests, which need it is found difficult to supply, so that the work of the Church in the diocese is furthered by the early ordination of the candidate to the priesthood.

Where the need for priests is urgent, this need can be met only by ordination as early as consistent with adequate preparation. As a practical matter, under the combined examination system, they must be taken after graduation, which would be in June. Normal difficulties in assembling the examining chaplains and then the standing committee will often compel postponement of ordination to the diaconate until September or October and to the priesthood until the following March or April at the earliest thus impairing the effectiveness of the seminary graduate for most of the first year after his graduation.

It should be noted that the candidate does not gain exemption from any of the examinations listed in Section 1 (a), when he comes to apply for Priest's Orders, through having passed the examinations listed in Section 2 (a). This differs from the provisions of Section 2 of the 1919 canon, which provided that it should be optional with the examining chaplains whether they should reexamine the candidate in subjects or portions of subjects already passed, except for one subject only, in which a reexamination was required in any event.

Section 10 of Canon 34, adopted in 1952, and discussed, *infra*, provides for the perpetual diaconate, and requires an examination only in the subjects listed in Section 2 (a) of this canon. However, it would seem that it was not intended that there be a requirement of urgent circumstances, and the approval of the standing committee and of the Board of Examining Chaplains to exempt the candidate for the perpetual diaconate from the additional examinations listed in Section 1 (a).

The 1946 revision of Canon 29 and the 1952 provisions for the perpetual diaconate would seem, when construed together, to sharpen the distinction which has been developing through the years, between the diaconate as a steppingstone to the priesthood and the diaconate as an end in itself.

CANON 30

Of Theological Education

Seminary
Standards

SECTION 1. No institution of learning shall be recognized as a Theological Seminary of this Church which does not conform in its course of study to the standards of theological learning laid down in the Canons of the General Convention.

SEC. 2. (a). There shall be a Standing Joint Commission of the General Convention on Theological Education, appointed by the Chairman of the two Houses at each triennial session, consisting of three Bishops, the Deans of the Theological Seminaries, or their representatives, one Examining Chaplain from each Province, and three Laymen.

Joint
Commission;
membership

(b). The Presiding Bishop shall be, *ex officio*, a member of this Commission.

(c). There shall be an Executive Committee thereof consisting of the Chairman, the Dean of the General Theological Seminary, the Dean of one other Seminary, one Examining Chaplain, and two Laymen, to be appointed by the Chairman of the House of Bishops, and the President of the House of Deputies.

Executive
Committee

(d). The duties of the Commission shall be to study the needs and trends of Theological Education in the Church, to advise with the Boards of Trustees of the several Seminaries, to consider such other matters as shall come before them, and to present to each triennial session of the General Convention a complete statistical report of the work of the several Seminaries and to make recommendations to the General Convention.

Duties of
Commission

SEC. 3. It shall be the duty of each Seminary of the Church to present to the Joint Commission yearly reports of its operations and activities, such reports to be made on forms prepared and provided by the Commission.

Seminaries
to report

CONVENTION OF 1940

This canon was adopted in its present form at the Convention of 1940 as Canon 12 and has since been renumbered Canon 29 in 1943 and Canon 30 in 1949.

EXPOSITION OF CANON 30

The provisions of the canon seem clear without lengthy exposition.

The Joint Commission on Theological Education in its report to the Convention of 1940, upon the basis of which this canon was adopted,

had treated the subject of number and location of seminaries, possible merger and financial support and had proposed the following as Section 2 of the canon:

No new Seminary shall be established within the Protestant Episcopal Church in the United States of America without the consent of the General Convention.

As adopted in the House of Deputies this was included in the canon, but in the resolution of the House of Bishops it was omitted. The Committee on Canons of the House of Deputies reported the House of Bishops had concurred with amendments, and the House of Deputies in turn concurred. It would seem as if there should be some control over the establishment of institutions of learning in the name of the Church.

Section 1 provided no institution of learning shall be recognized as a theological seminary of this Church which does not conform in its course of study to the standards of learning laid down in the canons of General Convention.

These standards can be found only in the subjects for examination prescribed in Canon 29. Consequently, if courses are given in these subjects it would seem an institution was conforming with the canonical standards.

The joint commission is charged with the duty of studying the needs and trends of theological education, "advising with" boards of trustees and reporting to the General Convention and to it "each Seminary of the Church" must report on forms prepared and provided by the commission.

General Convention, therefore, has means of information concerning the efficiency and standing of a seminary, but, since there is no provision for formal recognition, there is no way of holding a seminary which might prove contumacious except by discipline of its faculty. This would be a diocesan proceeding except for a bishop president.

It is respectfully suggested that some form of recognition and provision for its withdrawal by the General Convention, acting on the recommendation of the Joint Commission on Theological Education, should be provided in the canon.

At the present time it is left to the bishop to recommend a seminary to his postulants.

CANON 31

Of a Board of Examining Chaplains

SECTION 1. In every Diocese or Missionary District there shall be a Board of Examining Chaplains, consisting of at least two learned Presbyters, canonically resident within the said Diocese or Missionary District. Examining Chaplains shall be nominated by the Bishop at the Annual Convention or Council, the nomination being confirmed by the vote of the Convention or Council. Their term of office shall be fixed by Diocesan Canons. Should vacancies occur in the Board when the Convention or Council is not in session, the Bishop shall similarly nominate to the Standing Committee or Council of Advice, upon whose confirmation the person or persons so designated shall be added to the Board and shall serve until the next meeting of the Convention or Council.

Board of
Examining
Chaplains

SEC. 2. The Board of Examining Chaplains may adopt rules for its work, subject to the approval of the Bishop, provided the same are not inconsistent with the Canons of the General Convention. These rules may include the appointment of committees of the Board to act on its behalf.

Board may
adopt rules

SEC. 3. It shall be the duty of the Board of Examining Chaplains, under the guidance and oversight of the Bishop, to conduct the examinations of Postulants and Candidates prescribed by these Canons. These examinations shall be, in part at least, in writing. The Examining Chaplains, when so requested by the Bishop, shall give oversight to Postulants, Candidates, and Deacons, and shall advise them in regard to their studies and preparation.

Duties of
Board

SEC. 4. The Board of Examining Chaplains shall promptly report, in writing, to the Bishop the results of all examinations held by them, whether satisfactory or unsatisfactory, making separate reports upon each of the appointed subjects, and upon each person examined. The Bishop shall transmit these reports to the Standing Committee or Council of Advice, who shall in no case recommend a Postulant for

Board to
make report

admission as Candidate for Holy Orders, or recommend a Candidate for Ordination to the Diaconate or to the Priesthood, until they have received a report from the Board of Examining Chaplains that he has successfully passed the required examinations.

Form of
Report

The report of the Board shall be made in the following form, viz.:

To the Right Reverend Bishop of
(or the Clerical Members of the Standing Committee of
as the case may be).
Place, Date,

We, having been assigned as Examiners of A. B., hereby testify that we have examined the said A. B. upon the subjects prescribed in Canon . Sensible of our responsibility, we give our judgment as follows: (Here specify the proficiency of A. B. in each of the subjects appointed, as made apparent by the examinations).

(Signed)

Annual
report

SEC. 5. The Board shall make an annual report concerning its work to the Convention or Council.

Examining
Chaplains
of another
Diocese may
conduct
examination

SEC. 6. The Bishop, with the consent of the Board of Examining Chaplains, may ask the Examining Chaplains of another Diocese or Missionary District to conduct the examination of a Postulant or Candidate on their behalf.

Provincial
Synod
may form
Board of
Examining
Chaplains

SEC. 7. Any Provincial Synod shall have the right to form a Provincial Board of Examining Chaplains. The members of the Board shall serve for a term of three years each, or until their successors are appointed. Vacancies occurring in the Board may be filled for the unexpired term by the Synod. It shall be the duty of such Provincial Board to prepare a syllabus indicating the range and character of the attainments required in the several subjects prescribed by these Canons and to prepare question papers for all written examinations. And such syllabus and papers may be adopted for their own use, subject to the approval of the Bishop, by the Board of Examining Chaplains of any Diocese or District within the Province. The Provincial Board, when or-

ganized, shall report upon its work to the Synod at each session.

The first provision made for examining chaplains as such was contained in the Canons of 1871. Previous thereto, the canons provided that the examination of candidates for orders should be conducted by "the Bishop and his Presbyters," or by "the Bishop and two Presbyters appointed by him."

CONVENTION OF 1871

In the revision of the canons of ordination by this Convention, Title I, Canon 4, Section 1, was enacted, reading as follows:

Sec. 1. In each Diocese there shall be two or more Examining Chaplains, to be appointed by the Bishop, and holding their office at his discretion.

This canon created the office of examining chaplain and made it mandatory upon the bishop of every diocese to appoint two or more persons to that office. Heretofore it had been the custom in some dioceses, probably in most of them, for the bishop to appoint different examiners for different candidates at different times.

It will be noted that the canon did not specify who should be appointed examining chaplains. So far as the canon was concerned, the bishop could appoint deacons, or even laymen, as examining chaplains.

CONVENTION OF 1892

This Convention, in revising the canons of ordination, made Title I, Canon 4, Section 1, of the Canon of 1871, Canon 11, Section 7, of the same Title, and amended it to read as follows:

Sec. 7. (i) There shall be appointed in each Diocese and Missionary Jurisdiction, by the Ecclesiastical Authority thereof, two or more Examining Chaplains, who shall hold their offices at the discretion of the said Ecclesiastical Authority, and whose duty it shall be thoroughly to test the preparation of all such Candidates for Holy Orders as may by the Ecclesiastical Authority be sent to them for that purpose.

(ii) The reports of the Examiners shall be in writing, and attested by their signatures. If the applicant has been examined on more subjects than one, the report shall specify the result on each subject separately.

This canon, also, did not specify who should be appointed examining chaplains.

The Canon of 1871 was deficient in that it made no provision for the appointment of examining chaplains in a diocese where there was no bishop. The earlier canons had provided that the standing committee should appoint the presbyters to conduct the examination of candidates when they were the ecclesiastical authority of a diocese. This defect was cured by the Canon of 1892, by the substitution of the words "Ecclesiastical Authority" for the word "Bishop," in the second line of Section 1.

The same Convention enacted Title I, Canon 5, Section 2 (i), reading as follows:

Sec. 2. (i) The Bishop, or, if the Diocese be vacant, the clerical members of the Standing Committee, shall assign to the Candidate his Examiners, who shall be two or more Presbyters of good learning, and (if possible) Examining Chaplains of the Diocese or Jurisdiction, and who, upon due notification of the duty laid upon them, shall proceed as speedily as may be to its performance, in accordance with the provisions of this section.

This section and Section 7, of Canon 11, do not seem to be wholly in accord. The said Section 7 provides for the appointment of two or more examining chaplains by the ecclesiastical authority, which may be the standing committee in a vacant diocese. The said Section 2 (i) provides that in a vacant diocese the clerical members of the standing committee shall appoint the examiners for the examination of a candidate for deacon's orders only, who shall be (if possible) examining chaplains. It will be noted that the provisions of said Section 2 (i) apply to candidates for "Deacon's Orders only."

CONVENTION OF 1904

This Convention made Title I, Canon 11, Section 7, of the Canons of 1892, Canon 8, Section 6, and amended to read as follows:

Sec. 6. There shall be appointed in each Diocese and Missionary District, by the Ecclesiastical Authority thereof, two or more Presbyters as Examining Chaplains, who shall hold their office at the discretion of the said Ecclesiastical Authority, and whose duty it shall be to examine Postulants, Candidates for Holy Orders, and Deacons, sent to them by the Ecclesiastical Authority.

The defect of the former canons in failing to specify who shall be appointed as such examining chaplains was now cured by this section in providing that they must be presbyters.

The same Convention, which did away with all distinctions between

candidates for deacon's orders, and candidates for priest's orders, enacted Canon 4, Section 1 (i), which read as follows:

Sec. 1. (i) The Bishop, or the Clerical members of the Standing Committee, when it is acting as the Ecclesiastical Authority, shall assign to the Candidate as his Examiners at least two Presbyters of good learning who shall (if possible) be Examining Chaplains of the Diocese or Missionary District.

The same provision to apply to deacons desiring to be ordained priests, was enacted as Canon 6, Section 1 (i).

The provision of said Canon 8, and those of said Canons 4 and 6, do not seem to be in entire harmony. While examining chaplains were required to be appointed in every diocese and missionary district, and whose duty it was made to examine postulants and candidates for Holy Orders sent to them, under the provisions of said Canon 8, Canons 4 and 6 provided that the bishop, or the clerical members of the standing committee, as the case might be, *should assign* to all candidates for the diaconate and the priesthood, special examiners who might or might not be examining chaplains. Under the provisions of these canons, the only persons whose examinations the examining chaplains were assured of conducting were those of postulants.

No further amendments were made to the sections of the canons above noted until the revision of the canons of ordination by the Convention of 1919, which radically changed the provisions of the canons relating to examining chaplains.

This canon was renumbered 30 in 1943.

CONVENTION OF 1946

The canon was renumbered Canon 31 and, on recommendation of the Joint Commission on Theological Education, Section 4 was amended to read as at present. (*Jour. Con. 1946, p. 645*) Prior thereto the section provided that the standing committee or council of advice should not recommend a postulant or candidate "until they shall have received and considered the report of the Board of Examining Chaplains." These words were changed to read "until they have received a report from the Board of Examining Chaplains that he has successfully passed the required examinations."

As a consequence, passage of examinations has become a *sine qua non* where before the amendment it was only necessary for the standing committee or council of advice to receive and consider a report from the Board of Examining Chaplains.

CONVENTION OF 1949

At this Convention the Joint Commission on Theological Education reported recommending the insertion of the word "Deacons" in Section 3, saying:

In its unamended form this section asks that the Examining Chaplains give oversight to Postulants and Candidates. Deacons have been omitted. Obviously Deacons may need such oversight also. Hence the proposed enlargement. (*Jour. Con. 1949, p. 646*)

The canon was so amended.

EXPOSITION OF CANON 31

A board of examining chaplains in each diocese and missionary district is now constituted to consist of two or more presbyters who are required to be canonically resident in the diocese or missionary district. Until the enactment of this canon, examining chaplains were appointed by the bishop, practically for life, as they were seldom, if ever, removed by the bishop from their office. While they are still appointed by the bishop, their appointment is for a definite term, to be fixed by the diocesan canons, and their appointment must be confirmed by the diocesan convention or council. In case a vacancy arises in the board when the Convention is not in session, the standing committee or council of advice must confirm the bishop's nomination to fill the vacancy, and the person so nominated and confirmed holds office only until the next annual Convention or council. By the omission of the word "Convocation," no provision seems to have been made for the confirmation of the bishop's nominations to the board in a missionary district.

The provisions above noted, for the appointment of members of the board of examining chaplains for a definite term, and that such nominations must be confirmed by the diocesan convention or council, are most wise and were sadly needed. Too often had it been the case that men were appointed examining chaplains by a bishop because they were old men and had never received any honor at the hands of the diocesan convention; men whose theology and ideas were half a century old, and who were out of touch with modern thought and conditions. They never resigned, and it sometimes seemed as if they never died. In some dioceses, the examining chaplains were the oldest and most infirm priests in the diocese, utterly unfitted for the work they were supposed

to do. It may be for this reason that the Canons of 1904 provided for the appointment of special examiners for candidates for the diaconate and the priesthood, leaving to the examining chaplains only the examination of postulants.

The present canon provides that all examinations of postulants and candidates shall be conducted by the board under the guidance and oversight of the bishop. All former provisions for the appointment of special examiners of candidates were repealed.

Provision is made that on the request of the bishop, the examining chaplains shall give oversight to postulants, candidates, and deacons, advising them in regard to their studies and preparation.

The board is required to report in writing to the bishop, the results of the examinations held by them, making separate reports on each person examined, and on each subject in which he has been examined. These reports are to be transmitted to the standing committee, which committee is forbidden to recommend a postulant for admission as a candidate, or a candidate for ordination to the diaconate or priesthood until it has received a report from the examining chaplains that he has successfully passed the required examinations.

It is wisely provided that the board must make a report of its work to each annual convention or council. Only by implication is the board in a missionary district required to report to the annual convocation of such district.

Before the enactment of this canon, it was sometimes the custom for the bishop to appoint one or more professors in a theological seminary to conduct the examinations of candidates for the diaconate when such candidates belonged to a diocese at some distance from the seminary which such candidate or candidates were attending. The canon now provides that the bishop, with the consent of the board, may ask the examining chaplains of another diocese to conduct such examinations. Professors in theological seminaries, unless they happen to be members of the Board of Examining Chaplains, are no longer allowed to conduct examinations of candidates for orders.

The canon clearly provides that only the bishop, with the consent of his Board of Examining Chaplains, can request the examining chaplains of another diocese to conduct examinations on their behalf; also, that he can only ask examining chaplains to conduct such examinations. He cannot ask any person who is not a member of the Board of Examining Chaplains of a diocese or missionary district to conduct such examinations.

It is a well recognized principle of construction of statute law, and of canon law as well, that the different parts of a statute must be so construed as to make the statute a consistent whole, and that the construction which produces the greatest harmony and the least inconsistency is the one which ought to prevail. "All parts of the same Statute must be taken together. If one part standing by itself is obscure, it may be aided by another."

Applying this principle of construction to Canon 26, Section 5 (g), we must see if this clause can be so construed as to bring it into harmony with the provisions of Canon 31, Sections 3 and 6. Any construction of this clause that would give a board of examining chaplains power to ask any person in another diocese, not an examining chaplain, to conduct any portion of the examinations of a postulant in their behalf, and to accept such examinations in lieu of an examination by such board, would manifestly conflict with the provisions of said sections of Canon 31, and is not to be considered if we can find another construction thereof which will harmonize with the said provisions of Canon 31.

The examinations referred to in Canon 26 are the literary examinations required of a postulant who is not a graduate of some college or university where he has received sufficient instruction in the subjects specified in the canon.

Said clause does not provide that the Board of Examining Chaplains can request any person they may select to conduct such examinations in their behalf, only that they may accept satisfactory evidence, in lieu of examination, that the postulant has fulfilled the necessary requirements.

The question turns on the words "satisfactory evidence." What may be such "satisfactory evidence?" In many of our high schools and other educational institutions, sufficient instruction in some of the subjects specified in said Canon 26 is given. Also, a postulant may have pursued a special course in some college or university, or he may have taken a partial course therein without having graduated therefrom. In such cases, the certificate of some officer of such educational institution, stating the amount of instruction said postulant has received in a certain subject or subjects therein, might well be received as "satisfactory evidence" in lieu of an examination.

Such a construction of the clause in question would be in complete harmony with the provisions of Canon 31, and should be taken as the

construction thereof which the General Convention intended to place upon it when it enacted the same, for it is beyond question that the Convention intended that the several provisions should not be in conflict, but in harmony with each other.

CANON 32

Of Examination for Admission to Holy Orders in Special Cases

SECTION 1. In special cases the requirements of the Normal Standard of Learning may be modified as hereinafter provided. But in every case before a Deacon shall be ordered Priest, he shall be examined, by the Bishop and two Presbyters, in the office and work of a Priest, and as to his ability to serve the Church in that Order of the Ministry.

Require-
ments may
be modified
in special
cases

SEC. 2. A Deacon who prepared for ordination under the provisions of Canon 26, Sec. 5 (d), and who has served two years in the Diaconate with good repute and success, may be admitted to the Priesthood without further examination by the Board of Examining Chaplains; *Provided*, that if he is to minister within the United States of America, he pass a special examination in the history and government thereof. But he shall not be granted letters dimissory from one Diocese or District to another without the request, in writing, of the Bishop of the Diocese or District to which he wishes to go, unless he shall have passed the full examinations prescribed in Canon 29, Sec. 1.

When
special
examination
required

SEC. 3. (a). A Postulant who has entered upon his course of theological studies under the provisions of Canon 26, Sec. 5 (e), shall, before his ordination to the Diaconate, be required to pass an examination in at least the following subjects:

Examination
of Candi-
dates coming
from other
Christian
Bodies

- (1) Church History: the History of the Church of England, and of this Church;
- (2) Doctrine: the Church's teaching as set forth in the Creeds and the Offices of Instruction;

- (3) Liturgics: the Principles and History of Christian Worship; the Contents and Use of the Book of Common Prayer;
- (4) Practical Theology:
 - (a) The Office and Work of a Deacon,
 - (b) The Conduct of Public Worship,
 - (c) The Constitution and Canons of the General Convention, and of the Diocese or District in which he is canonically resident,
 - (d) The use of the voice in reading and speaking.
- (5) The points of Doctrine, Discipline, Polity, and Worship in which the communion from which he has come differs from this Church. This portion of the examination shall be conducted in part at least by written questions and answers, and the replies kept on file for at least three years.

(b) The Board of Examining Chaplains shall in any case have the right to examine such a Candidate in all the subjects required by Canon 29, Sec. 2, if they deem it necessary.

(c) Upon recommendation of the Board of Examining Chaplains, a Deacon so ordained may be advanced to the Priesthood without further examination, save as prescribed in Sec. 1 of this Canon; *Provided*, that such recommendation shall not be made, unless the Board of Examining Chaplains have satisfactory evidence of a thorough theological training in all the subjects prescribed in Canon 29, Sec. 1 (a).

(d) In all other cases a Candidate who has been a Minister or Licentiate in some other body of Christians shall pass the examinations required of other Candidates.

Record of
modified re-
quirements
to be kept

SEC. 4. In all cases of the ordination under this Canon of men with modified requirements of learning, a record of the modifications shall be kept by the Bishop, and the standing of every Minister thus ordained shall be reported to the Recorder with the other matters required in Canon 1, Sec. 4 (b).

The first provision for ordinations, with the normal requirements modified in certain cases, was enacted by the Convention of 1844.

CONVENTION OF 1844

This Convention enacted Canon 6:

OF A DISCRETION TO BE ALLOWED IN THE CALLING, TRIAL, AND EXAMINATION OF DEACONS IN CERTAIN CASES

Sec. 1. It shall be lawful for any Bishop, upon being requested so to do by a Resolution of the Convention of his Diocese, to admit to the Holy order of Deacons persons not tried and examined as prescribed in the Canons "Of Candidate for Orders," "Of the Learning of those who are to be Ordained," and "Of the Preparatory Exercises of a Candidate for Deacon's Orders," under the following limitations and restrictions, viz.:

1. Every such person shall have attained the full age of twenty-four years.
2. He shall have presented to the Bishop the certificate from the Standing Committee, required by Section 2 of the Canon "Of Candidates for Orders."
3. He shall have remained a Candidate for Orders at least one year from the date of his testimonials.
4. He shall have presented to the Bishop a testimonial from at least one Rector of a parish, signifying a belief that the person so applying is well qualified to minister in the office of a Deacon to the glory of God and the edification of His Church.
5. He shall have been examined by the Bishop and at least two Presbyters, on his fitness for the ministrations declared in the Ordinal to appertain to the office of a Deacon.

Sec. 2. A Deacon ordained under this Canon shall not be allowed to take charge of a Parish.

Sec. 3. In every Parish in which a Deacon, ordained under this Canon, shall officiate, he shall be subject to the direction of the Rector of the Parish, so long as therein resident, and officiating with the approbation of the Bishop.

Sec. 4. A Deacon ordained under this Canon shall not be transferrable to another Diocese without the request of the Bishop to whom he is to be transferred, given in writing to the Bishop to whose jurisdiction he belongs.

Sec. 5. A Deacon ordained under this Canon shall not be entitled to a seat in any Convention, nor made the basis of any representation in the management of the concerns of the Church.

Sec. 6. A Deacon ordained under this Canon shall not be ordained to the Priesthood without first going through all the preparatory exercises of a Candidate for Deacon's Orders, as required by the Canon thereto relating, in addition to those required of a Candidate for Priest's Orders, nor without presenting all the testimonials required by the Canon of Testimonials to be produced on the part of those who are to be ordained.

Sec. 7. In all respects not provided for by this Canon, the Deacons who shall be ordained under it, shall be under the same direction and control as other Deacons.

CONVENTION OF 1847

This Convention repealed Section 5 of Canon 6, of the Canons of 1844, which provided that a deacon ordained under this canon should not be entitled to a seat in any convention, nor made the basis of any representation.

Sections 6 and 7 were renumbered accordingly.

CONVENTION OF 1853

This Convention repealed Canon 5, of the Canons of 1847, and enacted in place thereof, Canon 5, Of the Ordination of Deacons.

While this canon contained some of the provisions of the canon repealed, its provisions covered all cases of ordination to the diaconate, and no longer provided for the modification of the normal requirements for ordination to the diaconate.

CONVENTION OF 1919

This canon will be further noted in our consideration of Canon 34. No further legislation on this subject was had by General Convention until the enactment of the present Canon 32 by the Convention of 1919.

The Canon of 1919 read as follows:

CANON 5

OF EXAMINATIONS FOR ADMISSION TO HOLY ORDERS IN SPECIAL CASES

Section 1. In special cases the requirements of the Normal Standard of Learning may be modified as hereinafter provided. But in every case before a Deacon shall be ordered Priest, he shall be examined, by the Bishop and two Presbyters, in the office and work of a Priest, and as to his ability to serve the Church in that Order of the Ministry.

Sec. 2. A Deacon, admitted Candidate under the provisions of Canon 2, Sec. 5 (iv) and who has served two years in the Diaconate with good repute and success, may be advanced to the Priesthood without further examination. But he shall not be granted letters dimissory from one Diocese or District to another, without the request, in writing, of the Bishop of the Diocese or District to which he wishes to go, unless he shall have passed the full examinations prescribed in Canon 4, Sec. 1.

Sec. 3. A Deacon admitted Candidate under the provisions of Canon 2, Sec. 5 (v), and who has served two years in the Diaconate with good repute and success, may be admitted to the Priesthood without further examination; *Provided*, that if he is to minister within the United States of America, he pass a special examination in the history and government thereof. But he shall not be granted letters dimissory from one Diocese or District to another without the request, in writing, of the

Bishop of the Diocese or District to which he wishes to go, unless he shall have passed the full examinations prescribed in Canon 4, Sec. 1.

Sec. 4. The Bishop of any Diocese or Missionary District, subject to the consent of the Standing Committee or Council of Advice, may, at his discretion, dispense a Candidate desiring to be ordained Deacon from all examination except in the following subjects: (a) The Contents and Interpretation of the Books of Holy Scripture; (b) the Doctrines of this Church; (c) the Contents and Use of the Book of Common Prayer, and (d) Church History; a general outline, together with the history of this Church in the United States of America, and the history of Christian Missions. And a Deacon so ordained, who has served with good repute and success for at least two years in the Diaconate, may be advanced to the Priesthood without further examination; *Provided*, that no Deacon or Priest so ordained shall be transferred from the Diocese or District within the United States in which he was ordained, until and unless the Board of Examining Chaplains shall certify that he has passed the examinations prescribed in Canon 4, Sec. 1. *However*, any Priest so ordained who conforms to the conditions of Canon 2, Sec. 5 (iv) and Canon 4, Sec. 2 may be granted letters dimissory to another Diocese or District upon the request, in writing, of the Bishop of that Diocese or District.

Sec. 5. (i). A Postulant who has become a Candidate under the provisions of Canon 2, Sec. 5. (vi), shall, before his ordination to the Diaconate, be required to pass an examination in the following subjects:

1. Ecclesiastical Polity, including the Constitution and Canons of the General Convention, and of the Diocese in which he is canonically resident;
2. The History of the Church of England and of this American Church;
3. The History, Contents and Use of the Book of Common Prayer;
4. The Elements of Christian Doctrine as contained in the Creeds and Catechism;
5. The points of Doctrine, Discipline and Worship in which the communion from which he has come differs from this Church. This portion of the examination shall be conducted in part at least by written questions and answers, and the replies kept on file for at least three years.

(ii). A Deacon so ordained may be advanced to the Priesthood without further examination, save as prescribed in Sec. 1 of this Canon.

(iii). In all other cases a Candidate who has been a Minister or Licentiate in some other body of Christians shall pass the examinations required of other Candidates.

Sec. 6. In all cases of the ordination under this Canon of men with modified requirements of learning, a record of the modifications shall be kept by the Bishop, and the standing of every Minister thus ordained shall be reported to the Recorder with the other matters required in Canon 50, Sec. 4 (ii).

CONVENTION OF 1925

An effort to amend Section 4 of the canon in an unimportant respect failed at this Convention, the purpose of which was to make a deacon or priest ordained under this canon subject to what are now the provisions of Canon 48, Section 1.

CONVENTION OF 1928

At this Convention a new section was added to the canon as follows:

Sec. 7. In case of a Deacon desiring to be transferred from one Diocese to another, the Ecclesiastical Authority of the former Diocese must state in the Letter Dimissory the exact standing of the Deacon as regards Examinations passed or Dispensations received; also the dates of his birth, admission as a Candidate and ordination.

CONVENTION OF 1937

The canon was amended by striking out Section 2 which provided that a deacon who had been admitted candidate by special dispensation and served two years in the diaconate with good repute and success might be advanced to the priesthood without further examination, but that he should not be transferred to another diocese or missionary district without the written request of its bishop unless he shall have passed the full examinations.

The following sections were then renumbered.

CONVENTION OF 1943

In the rearrangement made at this Convention Sections 1 to 5, inclusive, were transferred to and became Canon 31 with the same title. Section 6 became Section 4 of Canon 47, Of Deacons.

CONVENTION OF 1946

At this Convention the canon was renumbered Canon 32.

The Joint Commission on Theological Education said in its report:

In Canon 31, it is proposed to omit Section 3. This Section was designed to lessen requirements for the Diaconate for men of limited scholastic background. The Commission is, however, convinced that the present requirements for the Diaconate (when separated from the requirements for the Priesthood) are already, or in the proposed Canon 28, Sec. 3, (a), sufficiently lenient to take care of all exceptional cases. (*Jour. Con.* 1946, p. 638)

As a result Section 2 was amended to read:

Sec. 2. A Deacon, admitted Candidate under the provisions of Canon 26, Sec. 5, (a), etc.

Section 3 was stricken out.

Section 4 was renumbered Section 3 and amended, and clause (a) amended to read:

Sec. 3. (a) A Postulant who has become a Candidate under the provisions of Canon 25, Sec. 5 (e), etc.

Section 5 was renumbered Section 4.

CONVENTION OF 1949

Section 2 was amended to read:

Sec. 2. A Deacon who has prepared for ordination under the provisions of Canon 26, Sec. 5, (e) and who has served two years in the Diaconate with good repute and success may be admitted to the Priesthood without further examination by the Board of Examining Chaplains; provided, etc.

Section 3 (a) was amended to read:

Sec. 3. (a) A Postulant who has entered upon his course of theological studies under the provisions of Canon 26, Sec. 5 (e) shall, etc.

EXPOSITION OF CANON 32

This canon provides for modification in the normal standard of learning and examination of candidates for Holy Orders prescribed by Canon 29.

1. If a deacon who prepared for ordination under Canon 26, Section 5 (d), has served two years with good repute and success, he may be admitted to the priesthood without further examination by the examining chaplains, provided that, if he is to serve within the United States, he pass a special examination in its history and government.

To guard against the possibility of such men, after their ordination to the priesthood, abandoning the work for which they were specially ordained and seeking work in some other diocese, provision is made that they shall not be granted letters dimissory from one diocese or district to another without the request in writing of the bishop thereof unless they shall have passed the full examination prescribed in Canon 29, Section 1.

2. Under Canon 26, Section 5 (e) a postulant, who has served five years with good repute and success in the regular ministry of some other body of Christians and has laid before the examining chaplains satisfactory evidence of thorough theological training in his previous communion, is required to pass examination in specified subjects before ordination to the diaconate, and the examining chaplains may examine him in all the subjects required in special cases under Canon 29, Section 2. A deacon so ordained may, on recommendation of the examining chaplains, be advanced to the priesthood after examina-

tion by the bishop and two presbyters in the office and work of a priest and as to ability to serve the Church in that order and provided the examining chaplains have satisfactory evidence of a thorough theological training in the subjects prescribed for ordination to the diaconate in Canon 29, Section 1 (a).

In all other instances a minister or licentiate of another body of Christians must pass the full examination.

A record of the ordinations under modified requirements is to be kept by the bishop, and the standing of every minister so ordained reported to the recorder.

CANON 33

Of General Provisions Respecting Ordination

Ordinations
to be held
at Ember
Season

SECTION 1. In accordance with ancient Canons, ordinations shall be held on the Sundays following the Ember Weeks, except that the Bishop may, if he deem proper, for urgent reasons, appoint special ordinations at other times.

All canonical
requirements
to be com-
plied with
before
appointment
of ordination

SEC. 2. No appointment for the ordination of any Candidate shall be made until the Bishop has had due notice that all the canonical requirements have been complied with.

When
Bishop
Coadjutor or
Suffragan
Bishop or
Missionary
Bishop
may act

SEC. 3. (a) For the purpose of this and other Canons of Ordination, the authority assigned to the Bishop of the Diocese may be exercised by a Bishop Coadjutor, when so empowered under Canon 39, Sec. 2 (a), or by a Suffragan Bishop when requested by the Bishop of a Diocese, or by a Missionary Bishop, or any other Bishop of this Church canonically in charge of a Diocese or Missionary District, or of congregations in foreign parts.

Power of
Council of
Advice in a
Missionary
District

(b) The Council of Advice in a Missionary District shall, for the purposes of this and other Canons of Ordination, have the same powers as the Standing Committee of a Diocese.

In vacant
jurisdiction
another
Bishop may
be asked
to act

(c) In case of a vacancy in the episcopate in a Diocese or Missionary District, the Ecclesiastical Authority may authorize and request the President of the Province, or another Bishop, to take order for an ordination.

SEC. 4. (a) No certificate or testimonial, the form of which is supplied by Canon, shall be valid, unless it be in the words prescribed; the omission of the date therefrom shall render such certificate or testimonial liable to rejection.

Certificates
to be in
the words
prescribed

(b) No Postulant or Candidate for Holy Orders shall sign any of the certificates prescribed in the Canons of Ordination.

No Postulant
or Candidate
to sign these
certificates

(c) Whenever the testimonial of the Standing Committee is required, such testimonial must be signed at a meeting duly convened, and, in the absence of express provision to the contrary, by a majority of the whole Committee.

Require-
ments as to
signature of
Standing
Committee

(d) Whenever the certificate of a Vestry is required, such certificate must be signed by a majority of the whole Vestry, at a meeting duly convened, and the fact must be attested by the Secretary of the said Vestry or by the Minister.

Require-
ments as to
signature of
Vestry

SEC. 5. Whenever dispensation from any of the requirements of the Canons of Ordination is permitted, with the advice and consent of the Standing Committee, the application must be first made to the Bishop, and, if he approve it, be by him referred to the Committee.

Mode of
applying for
dispensation

SEC. 6. If, in the case of any applicant for admission as a Candidate for Holy Orders, or for ordination, a majority of the Standing Committee refuse to recommend, or shall fail to act within three months, although the required certificates have been laid before the Committee, it shall be the duty of the Committee, without delay, to give to the Bishop the reasons, in writing, for such refusal or failure to act.

Standing
Committee
to give
reasons if
declining to
recommend

SEC. 7. (a) No Bishop of this Church shall ordain any person to officiate in any congregation beyond the limits of the United States until the testimonials and certificates required by the Canons of Ordination shall have been supplied, except as provided for as follows:

Testi-
monials,
etc., to
apply to
Ordinations
beyond the
United States

(b) Any Missionary Bishop of this Church having jurisdiction in foreign lands, or any Bishop to whom the charge of congregations in foreign lands shall have been assigned by the Presiding Bishop, may ordain as Deacons or Pres-

Special
testimonials
permitted
in foreign
lands

byters, to officiate within the limits of his charge, any persons of the age required by the Canons of this Church, who shall exhibit to him the testimonials required by Canons 34 and 35, signed by not less than two Presbyters of this Church, who may be subject to his charge, and other satisfactory evidence of moral character from natives of the country not in Holy Orders; *Provided, nevertheless*, that if there be only one Presbyter of this Church subject to his charge, and capable of acting at the time, the signature of a Presbyter in good standing under the jurisdiction of any Bishop in communion with this Church may be admitted to supply the deficiency.

Since the several sections of this canon relate to somewhat different subjects and are gathered together from several earlier canons, each section will be considered separately.

SECTION 1

The American Church adopted stated times for ordination as soon as she commenced her national existence.

CONVENTION OF 1789

This Convention enacted Canon 8, which read as follows:

Agreeably to the practice of the primitive Church, the stated times of Ordination shall be on the Sunday following the Ember weeks: viz.: the Second Sunday in Lent, the Feast of Trinity, and the Sundays after the Wednesdays following the fourteenth day of September and the thirteenth of December.

CONVENTION OF 1808

This Convention amended the Canon 8 of 1789, by adding at the end thereof the following words:

Occasional ordinations may be held at such other times as the Bishop shall appoint.

Notwithstanding the provisions of the canon, that ordinations were to be held at stated times, it seems to have been the custom for the bishops to ordain men whenever the candidates were ready for orders. Hence, it was thought best to give express legal sanction to the practice which prevailed among the bishops, of ordaining at any time. This, we are told, was the reason for the amendment of 1808.

This section remained without further amendment until the Convention of 1892, except that it was renumbered by several conventions, becoming Canon 20 in 1832, and Title I, Canon 5, Section 5 in 1871.

CONVENTION OF 1892

In the revision of the canons of ordination by the Convention of 1892, the section under consideration became Title I, Canon 11, Section 8, and was amended to read as follows:

Sec. 8. (i) Agreeably to the practice of the Primitive Church, the stated times of ordination shall be the Sundays following the Ember weeks.

(ii) But occasional ordinations may be held at other times, as the Bishop shall appoint.

CONVENTION OF 1904

In the revision of the Digest of Canons by this Convention, Title I, Canon 11, Section 8, of the Canons of 1892, was made Canon 8, Section 7, and amended to read as follows:

Sec. 7. In accordance with ancient Canons, ordinations shall be held on the Sundays following the Ember Weeks, except that the Bishop may, if he deem proper, for urgent reasons, appoint special ordinations at other times.

CONVENTION OF 1919

No change was made in said Canon 8, Section 7, by the Convention of 1919, except that it was renumbered as Canon 9, Section 6.

This section, which was Section 6 of the earlier canon, was renumbered Section 1 in the rearrangement of 1943.

SECTION 2

CONVENTION OF 1904

Section 7, providing that all canonical requirements must be complied with before ordination, was first enacted by the Convention of 1904, as Canon 8, Section 8, and to read as follows:

Sec. 8. No appointment for the ordination of any Candidate shall be made until the Bishop has had due notice that all the canonical requirements have been complied with.

CONVENTION OF 1919

No change was made in the above cited section by this Convention, except that it was renumbered as Canon 9, Section 7.

This section, which was Section 7 of the earlier canon, was re-numbered Section 2 in the rearrangement of 1943.

SECTION 3

The first legislation on the subject of other than diocesan bishops exercising the powers of ordination is found in the Canons of 1871.

CONVENTION OF 1871

This Convention enacted Title I, Canon 2, Section 9, which read as follows:

Sec. 9. The Bishop of the Diocese, for the purposes of this and other Canons relating to Candidates and Ordinations, shall be understood, in cases so requiring, to signify an Assistant Bishop, when so empowered under Canon 13, Sec. 5, of Title I, a Provisional Bishop, a Missionary Bishop, and any other Bishop canonically in charge of a Diocese, Missionary District, or Congregation in foreign parts.

Heretofore, a strict construction of the canons would seem to limit all authority, in matters relating to candidates and ordinations, to Diocesan Bishops. As it seemed wise to give this same authority to assistant bishops and missionary bishops, in certain cases, and to remove any question in the matter, this section was enacted. The reference to Canon 13, Section 5, relates to assistant bishops and the powers that may be exercised by them. Under the provisions of Canon 13, Section 5, an assistant bishop was to perform such duties, and exercise such episcopal authority in the diocese as the bishop thereof should assign to him. It might well be that the diocesan would desire to assign to the assistant bishop superintendence of candidates for orders, but until this section was enacted, there was a question as to the right of the assistant so to act.

The reference made in this section to provisional bishops would seem to be unnecessary, as Title I, Canon 13, Section 6 expressly provided that a provisional bishop should "exercise all the powers and authority of the Bishop of the Diocese during the suspension of such Bishop."

CONVENTION OF 1904

This Convention re-enacted Title I, Canon 2, Section 5, of the Canons of 1871, as Canon 8, Section 1 (i), and amended the same to read as follows:

Sec. 1. (i) For the purpose of this and other Canons of Ordination, the authority assigned to the Bishop of the Diocese may be exercised by a Bishop Coadjutor,

when so empowered under Canon 9, Section 2, or by a Missionary Bishop, or any other Bishop of this Church canonically in charge of a Diocese or Missionary District, or of congregations in foreign parts.

The same Convention also enacted a new provision giving to councils of advice in missionary districts the same powers in matters of ordination granted to standing committees. This provision was made (ii) of the said Section 1, and to read as follows:

(ii) The Council of Advice in a Missionary District shall, for the purposes of this and other Canons of Ordination, have the same powers as the Standing Committee of a Diocese.

CONVENTION OF 1919

This Convention made no change in the section under consideration except to renumber it as Canon 9, Section 1, and change the canonical reference therein.

CONVENTION OF 1931

At this Convention clause (a) of this section, then Section 1 (i), of Canon 9, was amended by inserting the words "or by a Suffragan Bishop when requested by the Bishop of the Diocese." Prior to this amendment it would seem that suffragan bishops had no right of ordination and could not be empowered by the diocesan to ordain. The only exception was a suffragan bishop placed temporarily in charge of a diocese or district.

CONVENTION OF 1946

This section was amended by the addition of clause (c) covering ordination during a vacancy in the episcopate in a diocese or district.

SECTION 4

The first canon containing the provisions of this section was enacted by the Convention of 1892. Some of the provisions herein contained are found in former canons, but in every case they had reference to some special form and were not general in character, or covering other cases than the one to which they had reference.

CONVENTION OF 1892

This Convention enacted Title I, Canon 11, Sections 1, 2, and 3, which read as follows:

Sec. 1. (i) All certificates or testimonials, for which forms are supplied by Canon, should, in order to be valid, be in the words prescribed.

(ii) No Postulant, Candidate for Holy Orders, or student of theology shall sign any of the certificates prescribed in the foregoing Canons relating to Ordination.

(iii) Whenever a dated certificate or testimonial is required, the omission of the date shall render such certificate or testimonial liable to rejection.

(iv) Whenever a substitute for a prescribed certificate is presented to a Standing Committee, the Committee shall be the sole judge as to whether the exigency justifies the substitution.

Sec. 2. Whenever the testimonial of the Standing Committee is required, such testimonial must be signed at a meeting duly convened, and, in the absence of express provision to the contrary, by a majority of the whole Committee.

Sec. 3. Whenever the certificate of a Vestry is required, such certificate must be signed by a majority of the whole Vestry, at a meeting duly convened, and the fact must be attested by the Secretary of the said Vestry or by the Minister.

CONVENTION OF 1904

In the revision of the canons by this Convention, Sections 1, 2, and 3, as above noted, were made Canon 8, Section 2, and amended to read as follows:

Sec. 2. (i) No certificate or testimonial, the form of which is supplied by Canon, shall be valid, unless it be in the words prescribed; the omission of the date therefrom shall render such certificate or testimonial liable to rejection.

(ii) No Postulant or Candidate for Holy Orders shall sign any of the certificates prescribed in the foregoing Canons of Ordination.

(iii) Whenever the testimonial of the Standing Committee is required, such testimonial must be signed at a meeting duly convened, and, in the absence of express provision to the contrary, by a majority of the whole Committee.

(iv) Whenever the certificate of a Vestry is required, such certificate must be signed by a majority of the whole Vestry, at a meeting duly convened, and the fact must be attested by the Secretary of the said Vestry or by the Minister.

CONVENTION OF 1919

No change was made in the section under consideration by the Convention of 1919, except that it was renumbered as Section 2 of Canon 9.

SECTION 5

The first canonical enactment on the subject of the mode of applying for a dispensation from any of the requirements of the canons of ordination is found in the Canons of 1892.

CONVENTION OF 1892

This Convention enacted Title I, Canon 11, Section 4, in the exact words of present Section 5.

SECTION 6

The provision contained in this section, that the standing committee must give to the bishop its reasons when it refused or neglected to recommend a candidate for admission to Holy Orders is first found in the Canons of 1892.

CONVENTION OF 1892

This Convention enacted Title I, Canon 11, Section 5, which read as follows:

Sec. 5. If, in the case of any applicant for admission as a Candidate for Holy Orders, or for recommendation for ordination, a majority of the Standing Committee shall be unwilling to proceed, although the required certificates have been laid before them, and are in due form, it shall be their duty, without delay, to give to the Bishop their reasons, in writing, for refusal to recommend such applicant.

CONVENTION OF 1904

This Convention renumbered the said Canon 11, Section 5, as Canon 8, Section 4, and amended it to read as follows:

Sec. 4. If, in the case of any applicant for admission as a Candidate for Holy Orders, or for ordination, a majority of the Standing Committee refuse to recommend, or shall fail to act within three months, although the required certificates have been laid before the Committee, it shall be the duty of the Committee, without delay, to give to the Bishop the reasons, in writing, for such refusal or failure to act.

CONVENTION OF 1919

This Convention made no change in this section, simply renumbering it as Section 4 of Canon 9.

SECTION 7

The first enactment of General Convention regarding the ordination of persons to officiate in congregations outside the limits of the United States is found in the Canons of 1856.

CONVENTION OF 1856

This Convention enacted Canon 5, Section 15, which read as follows:

Sec. 15. No Bishop of this Church shall ordain any person to officiate as a Priest in any Congregation or Church destitute of a Bishop, situated without the jurisdiction of the United States, until the usual testimony from the Standing Committee, founded upon sufficient evidence of his soundness in the faith, and of his pious and moral character, has been obtained, nor until the Candidate has been examined

on the studies prescribed by the Canons of this Church. And should any such Clergyman, so Ordained, wish to settle in any Congregation of this Church, he must obtain a special license therefor from the Bishop, and officiate as a probationer for at least one year.

CONVENTION OF 1859

The above mentioned section was made Title I, Canon 4, Section 4, by this Convention but without amendment.

CONVENTION OF 1871

This Convention renumbered the above named section as Title I, Canon 5, Section 3 (i), (ii), and amended it to read as follows:

Sec. 3. (i) No Bishop of this Church shall ordain any person to officiate in any Congregation or Church destitute of a Bishop, situated without the jurisdiction of the United States, except with the canonically prescribed testimonials and examinations.

(ii) Should any person so ordained desire to settle in any Congregation or Parish of this Church, he must obtain a special license therefor from the Bishop, and officiate as a Probationer for at least one year.

CONVENTION OF 1892

This Convention renumbered Title I, Canon 5, Section 3, of 1871, as Title I, Canon 11, Section 6, and amended it to read as follows:

Sec. 6. No Bishop of this Church shall ordain any person to officiate in any Congregation or Church destitute of a Bishop, or situated beyond the limits of the United States, until the testimonials and certificates required by the Canons relating to Ordination shall have been supplied.

CONVENTION OF 1904

This Convention renumbered the above cited canon and section, making it Section 5 of Canon 8, and amending it to read as follows:

Sec. 5. (i) No Bishop of this Church shall ordain any person to officiate in any congregation beyond the limits of the United States until the testimonials and certificates required by the Canons of Ordination shall have been supplied except as provided for as follows:

(ii) Any Missionary Bishop of this Church having jurisdiction in foreign lands, or any Bishop to whom the charge of congregations in foreign lands shall have been assigned by the Presiding Bishop, may ordain as Deacons and Presbyters, to officiate within the limits of his charge, any persons of the age required by the Canons of this Church, who shall exhibit to him the testimonials required by Canons 5 and 7, signed by not less than two Presbyters of this Church, who may be subject

to his charge, and other satisfactory evidence of moral character from natives of the country not in Holy Orders; *Provided*, nevertheless, that if there be only one Presbyter of this Church subject to his charge, and capable of acting at the time, the signature of a Presbyter in good standing under the jurisdiction of any Bishop in communion with this Church may be admitted to supply the deficiency.

(iii) Any Missionary Bishop of this Church having jurisdiction in foreign lands may, by and with the advice of two Presbyters subject to his charge, dispense with the studies required by Canons 4 and 6; *provided*, that no person in such case be ordered Deacon until he shall have passed a satisfactory examination, as to his knowledge of Holy Scripture and of the doctrine of this Church, and as to his aptitude to teach, by the Bishop in the presence of two Presbyters, and shall have been a Candidate for Holy Orders for at least three years; and, *provided further*, that he be not ordered Priest until he shall have been a Deacon for at least one year, and shall have satisfied at least the requirements of Canon 4. Such Deacon or Priest shall not be allowed to hold any cure in the United States until he has fully complied with the Canons relating to the learning of persons there ordained.

CONVENTION OF 1919

This Convention, in its revision of the canons of ordination, repealed clause (iii) of Section 2, of Canon 8, of the Canons of 1904, and changed the canonical references in clause (ii) to conform to the renumbering of the canons. No other changes were made in the canon.

The clause repealed, clause (iii), related to dispensations from certain studies required by the canons. While these dispensations might have been necessary in the earlier days of foreign missionary districts, when the opportunities for procuring an education in the studies required for ordination were not then available, today, with the establishment of higher institutions of learning in nearly all those districts, the necessity for the granting of dispensations in the requirements of learning have been largely obviated, and the provision of the canon allowing them was rightly repealed.

EXPOSITION OF CANON 33

Except for the amendments of 1931 and 1946 this canon has remained the same since the first edition of this treatise.

At that time it was Canon 9. In 1943 it was renumbered Canon 32 and in 1946 became Canon 33.

The opening words of Section 1 are a recognition of the ancient canon law. Until the revision of the canons of ordination by the Convention of 1871, there seems to have been no provision of the canons permitting other than diocesan bishops to ordain candidates to the

diaconate or to the priesthood. Even missionary bishops, apparently, had no canonical right to ordain men.

Under the provisions of the Canons of 1871, missionary bishops, bishops canonically in charge of a diocese, missionary district, or congregations in foreign lands, and assistant bishops, when so empowered by the diocesan, were given the power of ordination. These provisions were the same as those at present prescribed by the canons.

It was not until the Convention of 1871, that the council of advice in a missionary district was granted the same powers as standing committees in matters of ordination. The reason for this is clear when we remember that prior to that time missionary bishops were not granted the power of ordination by the canons.

The requirement that a testimonial or certificate of a standing committee, or of a vestry, must be signed by a majority of such body at a meeting duly convened, is to provide that when the question of the approval of admitting a person to Holy Orders is presented to a standing committee, or to a vestry, it shall be brought before the whole body, and opportunity given to discuss the matter, and hear and decide upon objections, if there be any, instead of securing the individual consents of a majority of the members thereof, with no opportunity for due consideration of so important a matter.

Until the Convention of 1892, there was no canonical provision requiring a standing committee, in case such committee refused or neglected to recommend a candidate for Holy Orders, to give their reasons to the bishop for such refusal or neglect. This was felt to be unjust, both to the bishop and to the candidate, and the canon was amended for the purpose of correcting this injustice. The amendment, however, did not go far enough. It was only in case the standing committee should be unwilling to proceed that they were required to give to the bishop their reason therefor.

The Convention of 1904 endeavored to make it obligatory, in every case of failure on the part of the standing committee to recommend a candidate, to give to the bishop their reasons therefor. The canon was accordingly amended by striking out the words "shall be unwilling to proceed," and inserting in place thereof the words "refuse to recommend, or shall fail to act within three months." This is the present law, under which a standing committee must give to the bishop their reasons for refusing to recommend a candidate, or failure to act in the matter within three months after receiving the certificates required by the canons.

Section 7 of this canon provides that no bishop of this Church shall ordain any person to officiate in any congregation outside of the limits of the United States until he has fulfilled all the conditions required of those who are to officiate in this country, except as therein provided.

The language of the first clause of this section is somewhat ambiguous. It would seem to refer only to ordinations by bishops in this country, and not to missionary bishops in foreign districts. The second clause, which contains the exceptions to the rule, clearly applies to foreign missionary bishops, and not to bishops in this country.

In setting forth stated times for ordinations, the American Church followed the precedent of the Mother Church by adopting the Ember Weeks as the proper times for ordinations and, following the language of the English Canon, declared that these times were in accordance with the practice of the primitive Church, a statement somewhat difficult to prove.

We are told by Bingham (*Eccl. Ant., Lib. iv., Ch. 6*) that in the first three centuries there does not seem to have been any rule restricting ordinations to any stated times. The setting aside of the Ember Weeks as the regular times for ordinations did not become a rule until after the beginning of the fourth century.

The English Canons of 1603 appointed the Ember Weeks as the proper times for ordinations. In the preamble to the canon, it is asserted that the apostles themselves furnished the precedent. The authority for this statement is not given, probably for the reason that it does not exist.

The language of the present canon that "In accordance with ancient Canons" the Sundays following the Ember Weeks are to be the stated times for ordinations is much nearer the probable facts in the case.

While the canon declares that ordinations shall be held on these stated times, the bishop is permitted to hold special ordinations at other times, for urgent reasons. As the bishop alone decides what are urgent reasons, the result is that ordinations are now held whenever the bishop sees fit.

CANON 34

Of Ordination to the Diaconate

SECTION 1. No one shall be ordered Deacon until he shall be twenty-one years of age.

Candidate
to be
twenty-one
years of age

To be two
years a
Candidate,
unless the
time be
shortened

SEC. 2. No one shall be ordered Deacon within two years from his admission as Candidate for Holy Orders, unless the Bishop, with the advice and consent of a majority of all the members of the Standing Committee, shall shorten the time of his candidateship; but the time shall not be shortened to less than one year, except in the case of a person who shall have attained the age of thirty years, and shall have had experience in speaking and teaching publicly; and in no case shall the time be shortened to less than six months. In the computation of time required to elapse between his admission as a Candidate and his ordering as a Deacon, the successful completion of the last two academic years in any incorporated Seminary of the Church may be considered as equivalent to two calendar years.

Physical
examination
required

SEC. 3. Before the ordination of a Deacon the Bishop shall require the applicant to submit to a thorough examination by a physician appointed by the Bishop. This examination shall cover the man's mental and nervous as well as his physical condition. The form of medical report prepared by The Church Pension Fund shall be used for this purpose. This report shall be kept on file by the Bishop and shall be submitted to the Standing Committee or Council of Advice when application is made by the candidate to be ordained Deacon.

Recom-
mendation
from
Standing
Committee

SEC. 4. No one shall be ordered Deacon unless he be first recommended to the Bishop by the Standing Committee of the Diocese, or Council of Advice of the Missionary District, to which he belongs.

Papers to be
laid before
Standing
Committee

SEC. 5. In order to be recommended for ordination the Candidate must lay before the Standing Committee:

(1) An application therefor in writing, signed by himself, which shall state the date of his birth.

(2) A certificate from the Bishop by whom he was admitted a Candidate, declaring the date of his admission; but when such certificate cannot be had, other evidence satisfactory to the Committee shall suffice.

(3) A certificate from a Presbyter of this Church, known to the Ecclesiastical Authority, in the following words, viz.:

To the Standing Committee of

Place,

Date,

I hereby certify that I am personally acquainted with A. B., and that I believe him to be well qualified to minister in the Office of Deacon, to the glory of God and the edification of His Church.

(Signed)

(4) A certificate from the Minister and Vestry of the Parish of which he is a member, in the following words, viz.:

To the Standing Committee of

Place,

Date,

We do certify that, after due inquiry, we are well assured and believe that A. B., for the space of three years last past, hath lived a sober, honest, and godly life, and that he is loyal to the Doctrine, Discipline, and Worship of this Church, and does not hold anything contrary thereto. And, moreover, we think him a person worthy to be admitted to the Sacred Order of Deacons.

(Signed)

This certificate must be attested by the Minister of the Parish, or by the Clerk or Secretary of the Vestry, as follows, viz.:

I hereby certify that A. B. is a member of

Parish in

and a communicant

of the same; that the foregoing certificate was signed at a meeting of the Vestry duly convened at

on the

day of

and that the names attached are those of all (or a majority of all) the members of the Vestry.

(Signed)

The Minister of

or Clerk or Secretary of Vestry.

(5) A certificate from the theological seminary where he has been studying, or from the clergyman under whose direction he has been pursuing his studies, showing his scholastic record in the subjects required by the canons,

and giving a judgment as to his personal qualifications for the Ministry of this Church.

If Parish has
no Minister,
certificate
may be
signed
by some
Presbyter

SEC. 6. Should the Parish be without a Minister, it shall suffice that in his place the certificate required in paragraph (4) above be signed by some Presbyter of the Diocese or Missionary District in good standing, the reason for the substitution being stated in the attesting clause.

If there be
no Parish,
by whom
certificate is
to be signed

SEC. 7. (a). Should there be no organized Parish at the place of residence of the Candidate, or should it be impracticable, through circumstances not affecting his moral or religious character, to obtain the signatures of the Minister and Vestry, or of the Vestry, it may suffice if the certificate be signed by at least—

One Presbyter of the Diocese or Missionary District in good standing, and six laymen, communicants of this Church in good standing; or should the Candidate within the space of three years last past have been a Minister or Licentiate in some other body of Christians, by three Presbyters of this Church as to the period during which he has been a Candidate, and by six adult male members in good standing of the denomination from which the Candidate came, as to the period, within the space of three years last past, before he became a Candidate.

Reasons for
this form of
certificate to
be stated

(b). In such case, the reasons for departing from the regular form must be given in the attesting clause, which shall be signed by the same, or some other Presbyter of this Church in good standing, and shall be in the following words, viz.:

I hereby certify, that the Laymen whose names are attached to the foregoing certificate are communicants of this Church in good standing, and that this form of certificate was used for no reasons affecting the moral or religious character of the Candidate, but because (here give the reasons for departing from the regular form).

(Signed)

Presbyter of the Diocese, or Missionary
District of

SEC. 8. The Standing Committee, on the receipt of the certificates prescribed above and the report of the Board of Examining Chaplains prescribed in Canon 31, Section 4, and having reason to believe that all other canonical requirements have been complied with, and having no reason to suppose the existence of any sufficient obstacle, physical, mental, moral, or spiritual, may, at a meeting duly convened, a majority of all the members of the Committee consenting, recommend the Candidate for ordination by a testimonial addressed to the Bishop in the following words, viz.:

Testimonial of Standing Committee

To the Right Reverend Bishop of

We, being a majority of all the members of the Standing Committee of _____, and having been duly convened at _____, do testify that A. B., desiring to be ordered Deacon, hath laid before us satisfactory certificates that for the space of three years last past he hath lived a sober, honest, and godly life, and that he is loyal to the Doctrine, Discipline, and Worship of this Church and does not hold anything contrary thereto. And we hereby recommend him for ordination to the Diaconate.

In witness whereof, we have hereunto set our hands
this day of in the year of our
Lord

(Signed)

This testimonial shall be signed by all consenting to its adoption.

SEC. 9. The testimonial having been presented to the Bishop, and there being no sufficient objection on grounds physical, mental, moral, doctrinal, or spiritual, the Bishop may take order for the ordination; and at the time of the ordination he shall require the Candidate to subscribe and make, in his presence, the declaration required in Article VIII of the Constitution.

Declaration of belief and conformity

SEC. 10. (a). A man of devout character and proved fitness, desirous to serve in the capacity of Deacon without relinquishing his secular occupation and with no intention of seeking advancement to the Priesthood, may be

Perpetual Diaconate

Conditions	<p>accepted as a Postulant and admitted as a Candidate upon the following conditions:</p> <p>(1) He shall not be less than thirty-two years of age.</p> <p>(2) He shall be accepted as a Postulant as provided in Canon 26.</p> <p>(3) Fulfillment of the requirements of Clause (c) of Section 5 of Canon 26 shall suffice as educational qualification for admission to candidateship.</p>
Ordination	<p>(b). A Candidate so admitted may be ordained to the Diaconate at any time after six months from his admission as a Candidate, upon the following conditions:</p> <p>(1) He shall have passed examinations in the subjects set forth in Canon 29, Section 2 (a); but the Bishop may at his discretion dispense him from examination in subjects (c), (d) and (e) of Practical Theology.</p> <p>(2) He shall be recommended for ordination to the Diaconate by the Standing Committee or Council of Advice, as required by Section 5 of this Canon, except as to term of Candidateship.</p>
Limitations	<p>(c). A Deacon ordained under the provisions of this Section shall exercise his Ministry as assistant in any parish or parishes to which, at the request or with the consent of the Rector and Vestry, he may be assigned by the Ecclesiastical Authority. As such assistant he may execute all functions appertaining to the office of a Deacon; he may not in any respect act as Minister in charge of a congregation. He may not be transferred to another jurisdiction except upon the express request in writing of the Ecclesiastical Authority thereof.</p>
Pension Rules do not apply	<p>(d). The provisions of Canon 7, Of The Church Pension Fund, shall not apply, as to either assessments or benefits, to Deacons ordained under the provisions of this Section.</p>
Advance- ment to Priesthood	<p>(e). Any Deacon ordained in accordance with this Section who may afterward desire to be advanced to the Priesthood shall be required to pass all examinations required of other Candidates for the Priesthood and to comply with all other canonical requirements precedent to such ordination. In such case the provisions of Canon 7 shall apply to him from the date of his ordination to the Priesthood.</p>

This canon contains the requirements necessary before a candidate can be ordained to the diaconate, and some of these requirements are found in the original Canons of 1789.

CONVENTION OF 1789

The fourth canon of that year read, in part, as follows:

Deacon's Orders shall not be conferred on any person until he shall be twenty-one years old.

The remainder of the canon related to the age required before a person might be ordained priest, or consecrated bishop, and will be considered later.

In primitive times, a person was seldom ordained deacon until he was twenty-five years old, which term was afterwards fixed by both the civil and the canon law. Bingham, in his *Ecclesiastical Antiquities* (*Lib. II., Chap. XX*), tells us, "that the rule was so strictly observed, that we scarcely meet with an instance of anyone that was ordained Deacon before the age of twenty-five, in all the history of the Church."

The law of the Church of England since 1661, requires a deacon to be twenty-three years of age, unless a dispensation be granted shortening the time.

The same Convention enacted Canon 6 of that year, entitled, "Of the testimonials to be produced on the part of those who are to be Ordained." This canon read as follows:

Every Candidate for Holy Orders shall be recommended to the Bishop by a Standing Committee of the Convention of the State wherein he resides, which recommendation shall be signed by the names of a majority of the Committee, and shall be in the following words:

We whose names are hereunder written, testify that A.B. for the space of three years last past, hath lived piously, soberly, and honestly, nor hath he at any time, as far as we know or believe, written, taught, or held, anything contrary to the doctrine or discipline of the Protestant Episcopal Church; and moreover we think him a person worthy to be admitted to the sacred order of ———.

In witness whereof, we have hereunto set our hands. Dated the ——— day of ———, in the year of our Lord ———.

But before a Standing Committee of any State shall proceed to recommend any candidate, as aforesaid, to the Bishop, such candidate shall produce testimonials of his good morals and orderly conduct for three years last past, from the Minister and Vestry of the parish where he resided, or from the Vestry alone, if the parish be vacant; a publication of his intention to apply for Holy Orders having been previously made by such Minister or Vestry.

In every State in which there is no Standing Committee, such Committee shall be appointed at its next ensuing Convention; and in the meantime, every candidate for Holy Orders shall be recommended according to the regulations or usage of the Church in each State, and the requisitions of the Bishop to whom he applies.

CONVENTION OF 1792

This Convention enacted Canon 4, of that year as a supplement to Canon 6, of the Canons of 1789, which read in part, as follows:

In regard to the certificate required in favour of a candidate for Priest's or Deacon's Orders by the 6th Canon, if there be any members of the bodies respectively concerned who have not the requisite personal knowledge of the parties, such persons may prefix the following declaration to their signatures:

We believe the testimony contained in the above Certificate, and we join in the recommendation of A.B. to the office of ——— on sufficient evidence offered to us of the facts set forth.

Provided, that in the case of a Priest or Deacon, two at least of the Standing Committee sign the same, as being personally acquainted with the candidate.

CONVENTION OF 1795

This Convention enacted Canon 2 of that year, which read as follows:

Every candidate for Holy Orders shall be recommended to the Bishop by a Standing Committee appointed by the Convention of the church in that State wherein he resides, which recommendation shall be signed by the names of a majority of the Committee, and shall be in the following words:

We, whose names are hereunder written, testify that A.B. hath laid before us satisfactory testimonials, that for the space of three years last past, he hath lived piously, soberly, and honestly: and hath not written, taught, or held, anything contrary to the doctrine or discipline of the Protestant Episcopal Church. And moreover, we think him a person worthy to be admitted to the sacred order of ———. In witness whereof we have hereunto set our hands, this ——— day of ———, in the year of our Lord ———.

But before a Standing Committee in any State shall proceed to recommend any candidate, as aforesaid, to the Bishop, such candidate shall produce from the minister and vestry of the parish where he resides, or from the vestry alone if the parish be vacant, or if there be no vestry, from at least twelve respectable persons of the Protestant Episcopal Church in the neighborhood in which he resides, testimonials of his good morals and orderly conduct for three years last past, and that he has not so far as they know and believe, written, taught, or held anything contrary to the doctrine or discipline of the Protestant Episcopal Church: a publication of his intention to apply for Holy Orders having been previously made by such minister or vestry. He shall also lay before the Standing Committee, testimonials to the same effect, signed by at least one respectable clergyman of the Protestant Episcopal Church in the United States, from his personal knowledge of the candidate for at least one year.

In every State in which there is no Standing Committee, such Committee shall be appointed at its next ensuing Convention; and in the meantime, every candidate for Holy Orders shall be recommended according to the regulations or usage of the Church in each State, and the requisitions of the Bishop to whom he applies.

The last paragraph repealed the two former canons on the subject, the 6th Canon of 1789, and the 4th Canon of 1792, the provisions of both canons being incorporated in this second canon.

Under the provisions of this canon, the standing committee were no longer obliged to testify from personal knowledge of the candidate, but from satisfactory testimonials laid before them. A testimonial was required from one presbyter of the Church, founded on personal knowledge of the candidate for at least one year. This testimonial stood in the place of the personal knowledge of members of the standing committee. Another change made in the law was the allowing of a certificate from "twelve respectable persons" of the Church where there happened to be no vestry.

This same Convention also amended Canon 4, of the Canons of 1789, by the enactment of Canon 3, reading, in part, as follows:

Deacon's Orders shall not be conferred on any person until he shall be twenty-one years old.

The remainder of the canon refers to the age of ordination for priests, and of consecration for bishops.

The same Convention also enacted Canon 6, the first sentence of which read as follows:

Every candidate for the ministry shall give notice of his intention to the Bishop, or to such body as the Church in the State in which the candidate resides, may have appointed to superintend the instruction of candidates for Holy Orders, at least one year before his ordination.

This is the first canonical legislation regarding the length of time a person must remain as a candidate before his ordination to the diaconate.

CONVENTION OF 1804

This Convention enacted an additional canon to Canon 6, of the Canons of 1795, as Canon 7, and reading as follows:

Every candidate for Holy Orders, who may be recommended by a standing committee of any Church destitute of a Bishop, if he have resided for the greater part of the three years last past within the diocese of any Bishop, shall apply to such Bishop for ordination. And such candidate shall produce the usual testimonials, as

well as from the committee of the diocese in which he has resided, as from the committee of the Church in the state for which he is to be ordained.

CONVENTION OF 1808

This Convention enacted Canon 12 of that year to take the place of Canons 2 and 6, of the Canons of 1795, and Canon 7, of the Canons of 1804, the first paragraph of which read as follows:

No person shall be ordained Deacon or Priest in this Church, unless he exhibit to the Bishop the following testimonials from the Standing Committee of the diocese or state over which the Bishop presides to whom he applies for Holy Orders, which recommendation shall be signed by the names of a majority of the committee duly convened, and shall be in the following words:

(The form of this testimonial is the same as in Canon 2, of 1795.)

The next paragraph remained the same as the second paragraph of Canon 2, of 1795.

The third paragraph read as follows:

But in case a candidate from some peculiar circumstances not affecting his pious or moral character, should be unable to procure testimonials from the minister and vestry of the parish where he resides, the said fact being ascertained by the certificate of said minister and vestry, the Standing Committee may accept testimonials of the purport above stated, from at least twelve respectable members of the Protestant Episcopal Church, and from at least one respectable clergyman of the said Church, who has been personally acquainted with the candidate for at least one year.

The fourth paragraph of the canon is the same as Canon 7, of the Canons of 1804.

The last paragraph of the canon relates to candidates for priest's orders and will be considered later.

Canon 6 of the Canons of 1795 was amended, so that the first line thereof read as follows:

Every person who wishes to become a candidate for orders in this Church.

CONVENTION OF 1823

This Convention repealed the first paragraph of Canon 7, of the Canons of 1808, and enacted Canon 1 in its place, which read as follows:

Every person who desires to become a candidate for orders in this Church, shall obtain admission from the Bishop, or such body as the Church in the Diocese or State in which he intends to apply, may appoint, at least one year before his ordination.

CONVENTION OF 1826

The only canon enacted by this Convention repealed Canon 1 of 1823, and enacted in its place the canon which read as follows:

Every person who desires to become a candidate for Orders in this Church shall, in the first instance, give notice of his intention to the Bishop, or if there be no Bishop, to such body as the Church in the Diocese or State in which he intends to apply may appoint; and if, after obtaining the canonical testimonials from the Standing Committee, he be admitted as a candidate by the Bishop, or if there be no Bishop, by such body as the Church in the Diocese or State in which he intends to apply may appoint, he shall remain a candidate for the term of three years before his ordination, unless the Bishop, with the advice and consent of the clerical members of the Standing Committee, shall deem it expedient to ordain the candidate, after the expiration of a shorter period, not less than one year.

This is the first law requiring three years previous study by a candidate before his ordination to the diaconate.

CONVENTION OF 1832

In its revision of the Digest of Canons, this Convention amended the Canon of 1826, making it Section 7, of Canon 9, and to read as follows:

Sec. 7. If after obtaining the canonical testimonials from the Standing Committee, the person be admitted as a candidate by the Bishop, or, if there be no Bishop, by the Standing Committee, he shall remain a candidate for the term of three years before his ordination, unless the Bishop, with the consent of the Clerical Members of the Standing Committee, shall deem it expedient to ordain the candidate after the expiration of a shorter period, not less than one year.

This Convention made the third canon of 1795, Canon 8, but without change.

The twelfth canon of 1808 was made Canon 15, and amended to read as follows:

Sec. 1. No person shall be ordained Deacon or Priest in this Church, unless he exhibit to the Bishop the following testimonial from the Standing Committee of the Diocese for which he is to be ordained, which recommendation shall be signed by the names of a majority of all the Committee, the Committee being duly convened, and shall be in the following words:

We whose names are hereunder written, testify that A.B. hath laid before us satisfactory testimonials, that for the space of three years last past, he hath lived piously, soberly, and honestly; and hath not written, taught, or held anything contrary to the doctrine or discipline of the Protestant Episcopal Church; and moreover, we think him a person worthy to be admitted to the sacred order of ———, in witness whereof, we have hereunto set our hands, this ——— day of ———, in the year of our Lord ———.

Sec. 2. But before a Standing Committee shall proceed to recommend any candidate, as aforesaid, to the Bishop, such candidate shall produce from the Minister and Vestry of the parish where he resides, or from the Vestry alone, if the parish be vacant, or if the applicant be the Minister of the parish, a Deacon desirous of Priest's Orders; or if there be no Vestry, from at least twelve respectable persons of the Protestant Episcopal Church, testimonials of his piety, good morals, and orderly conduct in the following form: "We whose names are hereunder written, do testify, from evidence satisfactory to us, that A.B., for the space of three years last past, hath lived piously, soberly, and honestly; and hath not, so far as we know or believe, written, taught, or held anything contrary to the doctrine or discipline of the Protestant Episcopal Church; and moreover, we think him a person worthy to be admitted to the sacred order of _____. In witness whereof, we have hereunto set our hands, this _____ day of _____, in the year of our Lord _____."

He shall also lay before the Standing Committee testimonials, signed by at least one respectable Presbyterian of the Protestant Episcopal Church in the United States, in the following form: "I do testify that A.B., for the space of three years last past, hath lived piously, soberly, and honestly; and hath not, so far as I know or believe, written, taught, or held anything contrary to the doctrine or discipline of the Protestant Episcopal Church; and moreover I think him a person worthy to be admitted to the sacred order of _____. This testimonial is founded on my personal knowledge of the said A.B., for one year last past, and for the residue of the said time, upon evidence that is satisfactory to me. In witness whereof, I have hereunto set my hand, this _____ day of _____, in the year of our Lord _____."

Sec. 3. But in case a candidate, from some peculiar circumstances not affecting his pious or moral character, should be unable to procure testimonials from the Minister and Vestry of the parish where he resides, the Standing Committee may accept testimonials of the purport above stated, from at least twelve respectable members of the Protestant Episcopal Church, and from at least one respectable Presbyterian of the said Church, who has been personally acquainted with the candidate for at least one year.

Sec. 4. (This Section was the same as Canon 7 of 1804.)

Sec. 5. (This Section pertained to Candidates for Priest's Orders, and will be considered later.)

CONVENTION OF 1856

This Convention made a complete revision of the canons of ordination, and enacted Canon 4, Of Deacons, which included the provisions of Canon 9, Section 7, of the Canons of 1832, and of Canon 15, of the same year, and which read, in part as follows:

Sec. 1. Every person hereafter to be Ordained Deacon in this Church shall be examined by the Bishop and two Presbyters, whose duty it shall be to ascertain that he is well acquainted with the Holy Scriptures, and the Book of Common Prayer, and who shall inquire into his fitness for the ministrations declared in the Ordinal to appertain to the office of a Deacon, and be satisfied thereof.

Sec. 2. No person shall be entitled to such examination until he shall have remained a Candidate for Orders at least one year, and shall have presented to

the Bishop a testimonial from at least one Rector of a parish, signifying a belief that he is well qualified to minister in the office of a Deacon, to the glory of God and the edification of the Church.

Sec. 3. (This Section refers to Candidates not having had Episcopal Ordination, and will be considered later.)

Sec. 4. No person shall be ordained Deacon in this Church, unless he exhibit to the Bishop testimonials from the Standing Committee of the Diocese for which he is to be ordained, which shall be signed by the names of a majority of all the Committee, the Committee being duly convened, and shall be in the following words:

"We whose names are hereunder written, testify that A.B. has laid before us satisfactory testimonials, that for the space of three years last past, he has lived piously, soberly, and honestly; and has not written, taught or held anything contrary to the doctrine or discipline of the Protestant Episcopal Church; and moreover, we think him a person worthy to be admitted to the sacred Order of Deacons, in witness whereof we have hereunto set our hands this —— day of ——, in the year of our Lord ——."

Sec. 5. But before a Standing Committee shall proceed to recommend any Candidate, as aforesaid, to the Bishop, such Candidate shall produce from the Minister and Vestry of the Parish where he resides, or from the Vestry alone, if the Parish be vacant, or if there be no Vestry, from at least twelve respectable persons of the Protestant Episcopal Church, testimonials of his piety, good morals, and orderly conduct in the following form:

"We whose names are hereunder written do testify, from evidence satisfactory to us, that A.B. for the space of three years last past, hath lived piously, soberly, and honestly; and hath not, so far as we know or believe, written, taught, or held anything contrary to the doctrine or discipline of the Protestant Episcopal Church; and moreover, we think him a person worthy to be admitted to the sacred Order of Deacons. In witness whereof, we have hereunto set our hands, this —— day of ——, in the year of our Lord ——."

He shall also lay before the Standing Committee testimonials, signed by at least one respectable Presbyterian of the Protestant Episcopal Church in the United States, in the following form:

"I do certify that A.B. for the space of three years last past, hath lived piously, soberly, and honestly; and has not, so far as I know or believe, written, taught or held anything contrary to the doctrine or discipline of the Protestant Episcopal Church; and moreover, I think him a person worthy to be admitted to the sacred Order of Deacons. This testimonial is founded on my personal knowledge of the said A.B. for one year last past, and for the residue of the said time, upon evidence that is satisfactory to me. In witness whereof, I have hereunto set my hand, this —— day of —— in the year of our Lord ——."

Sec. 6. But in case a Candidate, from some peculiar circumstances not affecting his pious or moral character, should be unable to procure testimonials from the Minister and Vestry of the Parish where he resides, the Standing Committee may accept testimonials from at least twelve respectable members of the Protestant Episcopal Church, and from at least one respectable Presbyterian of the said Church, who has been personally acquainted with the Candidate for at least one year.

Sec. 7. Every Candidate for Holy Orders, who may be recommended by the Standing Committee of any Church destitute of a Bishop, if he have resided for the greater part of the three years last past within the Diocese of any Bishop, shall apply to such Bishop for Ordination. And such Candidate shall produce the usual testimonials, as well from the Committee of the Diocese in which he has resided, as from the Committee of the Diocese for which he is to be Ordained.

The remaining section of this canon related to matters that will be considered later.

The former canons required that a candidate must remain as such for a term of three years. Section 2 of this canon required that he remain a candidate only one year, but other sections of this canon would indicate that he should have been a candidate for three years before ordination. Section 2, however, would seem to govern the matter.

CONVENTION OF 1859

In the revision of the whole Digest of Canons by this Convention, Canon 8 of 1832 was made Title I, Canon 4, Section 2, without amendment.

Section 7, of Canon 4 of 1856, was made Section 3 of the same canon, also without amendment.

Sections 1, 2, 4, 5, and 6 of Canon 4, of the Canons of 1856, were made Sections 1, 2, 3, 4, and 5, respectively, of Title I, Canon 5, but remained unamended.

CONVENTION OF 1862

This Convention amended Title I, Canon 5, Section 2, of the Canons of 1859, to read as follows:

Sec. 2. (i) A person admitted as a candidate for Deacon's Orders shall remain a candidate for the term of three years before his ordination, unless the Bishop, with the consent of the Standing Committee, shall deem it expedient to ordain the candidate after the expiration of a shorter period, not less than one year; but this provision shall not apply to candidates under Section 6, Canon 5, Title I.

(ii) Before his examination, the candidate shall present to the Bishop a testimonial from at least one Rector of a Parish, signifying a belief that he is well qualified to minister in the office of a Deacon, to the glory of God and the edification of the Church.

CONVENTION OF 1871

This Convention in its revision of the canons of ordination enacted Title I, Canon 6, Of the Ordination of Deacons, which read in part as follows:

Sec. 1. A Candidate for the Office and Ministration of a Deacon only shall not be

ordained within one year from his admission, unless the Bishop, with the consent of the Standing Committee, shall deem it expedient to ordain him after the expiration of a shorter period, in no case to be less than six months.

Sec. 2. Before the examination preceding ordination, such Candidate shall be required to present to the Bishop a testimonial from at least one Rector of a Parish, signifying the belief that he is well qualified to minister in the Office of a Deacon to the glory of God and the edification of the Church.

Sec. 3. A Candidate for Priest's Orders shall not be ordained to the Diaconate within three years from his admission, unless the Bishop for urgent reasons, with the consent of three-fourths of the Standing Committee, shall admit him to the Diaconate while yet prosecuting his course of theological studies; in which case he may be ordained at any time after the expiration of one year from his admission.

Sec. 4. (i) No person shall be ordained Deacon in this Church unless he be recommended to the Bishop for ordination by the Standing Committee of the Diocese.

(ii) In order to such recommendation, the Candidate must lay before the Standing Committee testimonials from the Minister and Vestry of the Parish or Congregation of which he is a member, or from the Vestry alone, if the Parish be vacant; or, if there be no organized Parish or Congregation where he has resided, from at least twelve respectable members of the Protestant Episcopal Church, testifying to his piety, good morals, and orderly conduct, in the following words:

We, whose names are hereunder written, do testify, from evidence satisfactory to us, that A.B., for the space of three years last past, hath lived piously, soberly, and honestly; and hath not, so far as we know or believe, written, taught, or held anything contrary to the doctrine or discipline of the Protestant Episcopal Church; and moreover, we think him a person worthy to be admitted to the Sacred Order of Deacons. In witness whereof, we have hereunto set our hands, this ——— day of ———, in the year of our Lord ———.

(iii) But in case a Candidate, from some peculiar circumstances not affecting his pious or moral character, shall be unable to procure testimonials from the Minister and Vestry of the Parish where he resides, the Standing Committee may accept testimonials, of the purport above stated, from at least twelve respectable members of the Protestant Episcopal Church.

(iv) The Candidate shall also lay before the Standing Committee a testimonial, signed by at least one respectable Presbyter of the Protestant Episcopal Church in the United States, in the following words:

I (or we) do certify that A.B., for the space of three years last past, hath lived piously, soberly, and honestly; and hath not, so far as I (or we) know or believe, written, taught, or held anything contrary to the doctrine or discipline of the Protestant Episcopal Church; and moreover, I (or we) think him a person worthy to be admitted to the Sacred Order of Deacons. This testimonial is founded on my (or our) personal knowledge of the said A.B., for one year last past, and, for the residue of the said time, upon evidence that is satisfactory to me (or us). In witness whereof, I (or we) have hereunto set my (or our) hand (or hands), this ——— day of ———, in the year of our Lord ———.

(v) The Standing Committee, on receipt of such testimonials, may, at a meeting duly convened, a majority of all the Committee consenting, proceed to recom-

mend the Candidate for ordination, by a testimonial addressed to the Bishop of the Diocese, in the following words:

We, whose names are hereunder written, certify that A.B. hath laid before us satisfactory testimonials that for the space of three years last past, he hath lived piously, soberly, and honestly; and hath not written, taught, or held anything contrary to the doctrine or discipline of the Protestant Episcopal Church; and moreover, we think him a person worthy to be admitted to the Sacred Order of Deacons. In witness whereof, we have hereunto set our hands, this ——— day of ———, in the year of our Lord ———.

This testimonial shall have the signatures of all consenting to it.

Sections 5 and 6 of this canon do not concern the subject we are now considering.

Sec. 7. Deacon's Orders shall not be conferred on any person under the age of twenty-one years complete.

Section 1 of this canon was a new section and concerned the ordination of candidate for deacon's orders only.

Section 2 contained the provisions of former Section 2 (ii), Canon 5, Title I, of 1859, as amended in 1862.

Section 3 contained the provisions of Section 2 (i) of Title I, Canon 5, of the Canons of 1859, as amended in 1862.

Section 4 (i) and (ii) contained the provisions of Title I, Canon 5, the first few lines of Section 3, and the first two paragraphs of Section 4, of the Canons of 1859.

Section 4 (iii) was the same as Section 5, of said Canon 5.

Section 4 (iv) contained the subject matter of the third and fourth paragraphs of said Canon 5, Section 4 and Section 5.

Section 4 (v) contained the subject matter of Section 3, of said Canon 5, except the first few lines thereof, which were included in Section 4.

Section 7 contained the subject matter of Title I, Canon 4, Section 2, of 1859, so far as the canon relates to deacon's orders.

Canon 4, Section 3, of Title I of 1859, was made Canon 5, Section 2, and amended to read as follows:

Sec. 2. (i) A Candidate for Holy Orders, recommended by a Standing Committee, canonically acting as Ecclesiastical Authority, if he have lately resided for a length of time, not less than one year, in any other Diocese, shall apply to the Bishop of such Diocese for ordination.

(ii) Such Candidate shall, besides his recommendation from his own Diocese, apply for recommendation from the Standing Committee of the Diocese in which he seeks ordination.

CONVENTION OF 1892

This Convention also radically amended the canons of ordination. It enacted Title I, Canon 7, Of Ordination to the Diaconate, which contained most of the provisions contained in Title I, Canon 6, of 1871.

Section 1 was the same as Section 7, of said Canon 5.

Sec. 2. A Candidate for Deacon's Orders only shall not be ordained within one year from his admission as such Candidate.

This section was practically the same as Section 1, of said former Canon 6, except that the provision for shortening the time of candidateship was stricken out.

Sec. 3. A Candidate for Priest's Orders shall not be made Deacon within three years from his admission as such Candidate, unless the Bishop, for urgent reasons, with the advice and consent of three-fourths of the whole Standing Committee, shall shorten the time of his candidateship, but in no case shall the time be shortened to less than six months; *Provided*, further, that in case a person has attained the age of thirty-five years, and who has been duly confirmed and admitted to the Holy Communion in this Church, desires to become a Candidate for Priest's Orders with a dispensation from the usual period of candidateship, but not from any canonical examination prescribed for the Diaconate and Priesthood, and applies for this dispensation on the ground of mature age and experience in speaking and teaching publicly, he being also a graduate in arts in some reputable college or university, the Bishop may, by and with the advice and consent of three-fourths of the Standing Committee, admit him at once to Deacon's Orders; *Provided*, also that he shall not be advanced to the Priesthood until the expiration of one full year from his admission to the Order of Deacons.

This section contained the subject matter of former Section 3, of said Canon 6. The provisos, however, were new.

Sec. 4. No person shall be ordained Deacon unless he be first recommended to the Bishop for ordination by the Standing Committee of the Diocese or Missionary Jurisdiction to which he belongs.

This section contained the subject matter of former Section 4 (i) of the said Canon 6.

Sec. 5. In order to such recommendation, he must lay before the Standing Committee:

(a) An application therefor in writing, under his own signature, which shall state the date of his birth.

(b) A certificate from the Bishop by whom he was admitted a Candidate, declaring the date of his admission, and the character of his candidateship. *Provided*, that when such certificate cannot be had, other evidence, satisfactory to the Committee, shall suffice.

(c) A certificate from at least one Presbyter of this Church in good standing, and known to the Ecclesiastical Authority, in the following words, viz.:

To the Standing Committee of ———.

Place ———.

Date ———.

I hereby certify that I am personally acquainted with A.B., and that I believe him to be well qualified to minister in the office of Deacon to the glory of God and the edification of His Church.

(d) A certificate from the Ministry and Vestry of the Parish of which he is a member, in the following words, viz.:

To the Standing Committee of ———.

Place ———.

Date ———.

We, whose names are hereunder written, do certify, from personal knowledge or from evidence satisfactory to us, that A.B., for the space of three years last past, hath lived piously, soberly and honestly, and hath not since the date of his admission as a Candidate for Holy Orders, written, taught or held anything contrary to the doctrine or discipline of the Protestant Episcopal Church. And, moreover, we think him a person worthy to be admitted to the Sacred Order of Deacons.

(Signed)

Minister of ——— Parish.

Vestry of ———.

This certificate must be attested by the Minister of the Parish, or by the Clerk or Secretary of the Vestry, as follows, viz.:

I hereby certify, that A.B. is a member of ——— Parish, in ——— and a communicant in the same; that the foregoing certificate was adopted at a duly convened meeting of the Vestry, and that the names attached are those of a majority of the whole body.

(Signed)

Minister of ——— or Clerk or Secretary of Vestry.

Section 5 contained the subject matter of former Section 4 (ii) and (iii) of said Canon 6.

Sec. 6. Should the Parish to which the Candidate belongs be vacant, it shall suffice if the foregoing certificate be signed by the Vestry and by some Presbyter of the Diocese in good standing. But in such case, the attesting clause shall state the reason for departure from the regular form.

Section 6 was practically a new section.

Sec. 7. Should there be no organized Parish at the place of residence of the Candidate, or, there being such Parish, should the Candidate be unable, through circumstances not affecting his moral or religious character, to procure such certificate from the Minister and Vestry, the Standing Committee may accept a certificate in the same words, signed by one Presbyter of this Church in good standing and six respectable Laymen, communicants of this Church, the attesting clause being subscribed by the Presbyter signing the certificate, or by some other Presbyter of this Church known to the Committee, in the following words, viz.:

I hereby certify, that all the signatures to the foregoing certificate are genuine, and are those of communicants of the Protestant Episcopal Church in good standing. I further certify, that the certificate was so signed for no reasons unfavorably affecting the moral or religious character of the Candidate, but because (here give the reasons for departing from the regular form).

(Signed)

Sec. 8. (i) The Standing Committee, on the receipt in either case of the certificate prescribed as above, and having reason to believe that all other canonical requirements have been complied with, and having no reason to suppose the existence of any sufficient obstacle, physical, intellectual or moral, may, at a meeting duly convened, a majority of all the Committee consenting, proceed to recommend the Candidate for ordination by a testimonial addressed to the Bishop in the following words, viz.:

To the Right Reverend ———, Bishop of ———.

We, whose names are hereunder written, being a majority of the whole Standing Committee of ——— and having been duly convened at ———, do testify that A.B. hath laid before us satisfactory certificates that for the space of three years last past he hath lived piously, soberly and honestly, and hath not, since his admission as a Candidate for Orders, written, taught or held anything contrary to the doctrine or discipline of the Protestant Episcopal Church; and we hereby recommend him for admission to the Sacred Order of Deacons. In witness whereof, we have hereunto set our hands, this ——— day of ———, in the year of our Lord ———.

(Signed)

Standing Committee of ———.

(ii) This testimonial shall be signed by all consenting to its adoption.

This section contained the subject matter of former Section 4 (v) of said Canon 6.

Sec. 9. (i) The testimonial above prescribed, having been presented to the Bishop, and there being no known objection to the ordination of the Candidate on grounds physical, intellectual or moral, the Bishop shall require him to sign the declaration prescribed by Article VII of the Constitution of this Church, and shall then proceed to take order for the ordination at such time and place as may to him seem best, giving the preference whenever practicable to one of the Ember Seasons.

(ii) But no appointment for the ordination of any Candidate shall be made until the Bishop shall have sufficient knowledge of the favourable action of the Standing Committee.

This section was entirely new in its provisions. It seems somewhat strange that the constitutional requirement regarding the signing of the declaration of conformity as set forth in the Constitution should have been omitted from the ordination canons for over one hundred years.

Title I, Canon 5, Section 2, of the Canons of 1871, seems to have been repealed by the Convention of 1892.

CONVENTION OF 1898

This Convention amended Title I, Canon 7, Section 3, of 1892, by striking out the words "six months" immediately before the first proviso, and inserting in place thereof the following: "one year."

Also, in the same section, striking out the word "further" after the word "Proviso."

Also, in the same section, striking out these words at the end of the section:

admit him at once to Deacon's Orders: *Provided*, also that he shall not be advanced to the Priesthood until the expiration of one full year from his admission to the Order of Deacons,

and inserting in place thereof, the following:

admit him to Deacon's Orders after six months.

A new section was also added to this canon, to be numbered Section 4, the other sections being renumbered accordingly:

Sec. 4. In the computation of the time required to elapse between a candidate's admission and his ordering as a Deacon, the successful completion of three academic years in any incorporated Seminary of the Church may be reckoned as three calendar years.

CONVENTION OF 1904

Title 1, Canon 7 of 1898 was made Canon 5 by this Convention and amended to read as follows:

Sec. 1. No one shall be ordered Deacon until he shall be twenty-one years of age.

Sec. 2. No one shall be ordered Deacon within three years from his admission as a Candidate for Holy Orders, unless the Bishop, with the advice and consent of three-fourths of all the members of the Standing Committee, shall shorten the time of his candidateship; but the time shall not be shortened to less than one year, except in the case of a person who shall have attained the age of thirty years, and shall have had experience in speaking and teaching publicly; and in no case shall the time be shortened to less than six months. In the computation required to elapse between his admission as a Candidate and his ordering as a Deacon, the successful completion of three academic years in any incorporated Seminary of the Church may be considered as equivalent to three calendar years.

Sec. 3. No one shall be ordered Deacon unless he be first recommended to the Bishop by the Standing Committee of the Diocese, or the Council of Advice of the Missionary District, to which he belongs.

Sec. 4. In order to be recommended for ordination, the Candidate must lay before the Standing Committee:

(a) and (b) are the same as in the former canon, except that the

word "Provided" in (b) was changed to "but." (c) was amended by striking out the words "A certificate from at least one Presbyter of this Church in Good Standing," and inserting in place thereof, the words "A certificate from a Presbyter of this Church."

(d) was amended so that the form of the certificate read as follows:

To the Standing Committee of ———.

Place ———.

Date ———.

We do certify that, after due inquiry, we are well assured and believe that A.B., for the space of three years last past, hath lived a sober, honest, and godly life, and that he is loyal to the Doctrine, Discipline, and Worship of this Church, and does not hold anything contrary thereto. And, moreover, we think him a person worthy to be admitted to the Sacred Order of Deacons.

(Signed)

This certificate must be attested by the Minister of the Parish, or by the Clerk or Secretary of the Vestry, as follows, viz.:

I hereby certify that A.B. is a member of ——— Parish in ———, and a communicant of the same; that the foregoing certificate was signed at a meeting of the Vestry duly convened at ——— on the ——— day of ———, and that the names attached are those of all (or a majority of all) the members of the Vestry.

(Signed)

The Minister of ———, or Clerk or Secretary of Vestry.

Sec. 5. But should the Parish be without a Minister, it shall suffice that in his place the certificate be signed by some Presbyter of the Diocese or Missionary District in good standing, the reason for the substitution being stated in the attesting clause.

Sec. 6. (i) Should there be no organized Parish at the place of residence of the Candidate, or should it be impracticable, through circumstances not affecting his moral or religious character, to obtain the signatures of the Minister and Vestry, or of the Vestry, it may suffice if the certificate be signed by at least—

- (a) One Presbyter of the Diocese or Missionary District in good standing; and,
- (b) Six Laymen, communicants of this Church in good standing.

(ii) In such case, the reasons for departing from the regular form must be given in the attesting clause, which shall be signed by the same, or some other Presbyter of this Church in good standing, and shall be in the following words, viz.:

I hereby certify, that the laymen whose names are attached to the foregoing certificate are communicants of this Church in good standing, and that this form of certificate was used for no reasons affecting the moral or religious character of the candidate, but because (here give the reasons for departing from the regular form).

(Signed)

Presbyter of the Diocese, or Missionary District of ———.

Sec. 7. The Standing Committee, on the receipt of the certificates prescribed as above, and having reason to believe that all other canonical requirements have

been complied with, and having no reason to suppose the existence of any sufficient obstacle, physical, mental, moral or spiritual, may, at a meeting duly convened, a majority of all members of the Committee consenting, recommend the Candidate for ordination by a testimonial addressed to the Bishop in the following words, viz.:

To the Right Reverend ———, Bishop of ———.

We, being a majority of all the members of the Standing Committee of ———, and having been duly convened at ———, do testify that A.B., desiring to be ordered Deacon, hath laid before us satisfactory certificates that for the space of three years last past he hath lived a sober, honest, and godly life, and that he is loyal to the Doctrine, Discipline, and Worship of this Church and does not hold anything contrary thereto. And we hereby recommend him for ordination to the Diaconate.

In witness whereof, we have hereunto set our hands this ——— day of ———, in the year of our Lord ———.

(Signed)

This testimonial shall be signed by all consenting to its adoption.

Sec. 8. The testimonial having been presented to the Bishop, and there being no sufficient objection on grounds physical, mental, moral, doctrinal, or spiritual, the Bishop shall take order for the ordination; and at the time of the ordination he shall require the Candidate to subscribe and make, in his presence, the declaration required in Article VIII of the Constitution.

CONVENTION OF 1919

Although the canons of ordination were thoroughly revised by this Convention, only one change of any importance was made in this canon, which was made Canon 7.

Section 2 of the former canon required the consent of three-fourths of all the members of the standing committee to shorten the time of candidacy of one desiring to be ordered deacon. The present canon only requires the consent of a majority of all the members of the standing committee for that purpose.

CONVENTION OF 1931

Section 6 (i) of then Canon 7 covering this subject was amended to read substantially in the form of present Canon 34, Section 7 (a).

CONVENTION OF 1934

At this Convention Section 2 of then Canon 9 was amended to read as does present Canon 34, Section 2. The effect of this amendment was to shorten the regularly prescribed period of candidateship from three to two years and to substitute two for three years in the seminary as the equivalent of the two years of candidateship.

CONVENTION OF 1937

A new Section 3 was added in the words of Section 3 of the present canon, requiring a physical examination.

Section 4 was amended by adding a new clause, now superseded by Section 5 (5) of the present canon, as follows:

(e) A certificate from the theological seminary where he has been studying, or from the clergyman under whose direction he has been pursuing his studies, showing that he has completed all the studies required by the Canons, and is otherwise qualified to serve in the Ministry of the Church.

CONVENTION OF 1940

At this Convention Section 3, requiring a physical examination, was amended by putting a period after "condition" in line 5 and beginning a new sentence as follows: "The form of medical report prepared by the Church Pension shall be used for this purpose."

Section 6 was amended to read as does Section 6 of present Canon 34.

Section 7 was amended by striking out clause (c) and relettering the next clause.

Section 9 was amended by deleting the words "the Bishop shall take order" and inserting instead the words "the Bishop may take order," making the provision permissive.

CONVENTION OF 1943

The canon was renumbered Canon 33.

· CONVENTION OF 1946

The canon was renumbered Canon 34.

CONVENTION OF 1949

Section 5 was amended to read in its present form, the effect being that instead of certifying to completion of studies, the seminary now certifies to a man's scholastic record and expresses a personal judgment rather than a certificate of qualifications.

This amendment was recommended by the Joint Commission on Theological Education upon the ground that, since most seminarians take their canonical examinations before graduation, the seminaries were unable to certify, as required by the existing provision, that the

candidate had completed the studies required by the canons. The commission also reported its opinion that the further certificate that a man "is otherwise qualified to serve in the Ministry of this Church" should be changed so as to provide that the standing committee shall have from the seminary a more exact account of its judgment on a man's personal qualifications for the ministry. (*Jour. Con. 1949, p. 647*)

Section 8 was amended to read:

Sec. 8. The Standing Committee, on the receipt of the certificates prescribed above and the report of the Board of Examining Chaplains prescribed in Canon 31, Sec. 4, and having reason to believe, etc.

As to this amendment, also recommended in its report, the joint commission stated: "This amendment calls attention to the fact that in addition to the certificates required under the previous Sections of Canon 34, the Standing Committee must have the report of the Board of Examining Chaplains."

CONVENTION OF 1952

At this Convention the House of Bishops adopted the following resolution in which the House of Deputies concurred:

Resolved, The House of Deputies concurring, that Canon 34 be amended by adding at the end thereof a new Section to read as follows:

Sec. 10. (a) A man of devout character and proved fitness, desirous to serve in the capacity of Deacon without relinquishing his secular occupation and with no intention of seeking advancement to the Priesthood, may be accepted as a Postulant and admitted as a Candidate upon the following conditions:

- (1) He shall be not less than thirty-two years of age.
- (2) He shall be accepted as a Postulant as provided in Canon 26.
- (3) Fulfilment of the requirements of Clause (c) of Section 5 of Canon 26 shall suffice as educational qualification for admission to Candidateship.

(b) A Candidate so admitted may be ordained to the Diaconate at any time after six months from his admission as a Candidate, upon the following conditions:

- (1) He shall have passed examinations in the subjects set forth in Section 2 (a) of Canon 29; but the Bishop may at his discretion dispense him from examination in subjects (c), (d), and (e) of Practical Theology.
- (2) He shall be recommended for ordination to the Diaconate by the Standing Committee or Council of Advice, as required by Section 5 of this Canon, except as to term of Candidateship.

(c) A deacon under the provisions of this Section shall exercise his Ministry as assistant in any parish or parishes to which, at the request or with the consent of the Rector and Vestry, he may be assigned by the Ecclesiastical Authority. As such assistant he may execute all functions appertaining to the office of Deacon; he may

not in any respect act as Minister in charge of a congregation. He may not be transferred to another jurisdiction except upon the express request in writing of the Ecclesiastical Authority thereof.

(d) The provisions of Canon 7, Of The Church Pension Fund, shall not apply, as to either assessments or benefits, to Deacons ordained under the provisions of this Section.

(e) Any Deacon ordained in accordance with this Section who may afterward desire to be advanced to the Priesthood shall be required to pass all examinations required of other Candidates for the Priesthood and to comply with all other canonical requirements precedent to such ordination. In such case the provisions of Canon 7 shall apply to him from the date of his ordination to the Priesthood.

The vote by orders in the House of Deputies was:

Clerical—Ayes, 65¼; noes, 11¼; divided, 3.

Lay—Ayes, 63½; noes, 9; divided 1.

Thus, by a substantial majority the perpetual diaconate was authorized in contrast to the action taken on lay administration of the cup at Holy Communion.

EXPOSITION OF CANON 34

The provisions of this canon seem so clear as to require but little exposition. It is required that one desiring to be ordered deacon must be twenty-one years of age, and have been a candidate for two years. There are two exceptions to this rule, however. If a candidate be thirty years of age or over, and has had experience in public speaking and teaching, he may have the time of his candidateship shortened to one year, or even six months. This provision is evidently intended, primarily, for those who have been ministers in some other Christian body. The second exception is the provision made for seminary students, the successful completion of the last two academic years' course in any incorporated seminary of the Church being allowed as equivalent to two calendar years.

The next requirement is the recommendation of the standing committee to the bishop. To obtain such recommendation, the canon marks out the several steps that must be taken. Five papers must be laid before the committee: the candidate's own application; the bishop's certificate that he has been admitted a candidate, giving the date of such admission; the certificate of a presbyter known to the bishop, or the standing committee, whichever may happen to be the ecclesiastical authority; the certificate from the minister and vestry of his home parish, certifying to his character for the three years last past; and

the certificate of the seminary or clergyman of scholastic record and judgment of personal qualifications.

It is recognized that, through no fault of the candidate, circumstances may be such as to make it impossible for the candidate to obtain some of the required certificates, and provision is made for such cases. It might happen that in the case of the decease, for instance, of the bishop who admitted the candidate, the record of the admission of such candidate cannot be obtained. In such a case, the standing committee are authorized to accept other evidence that is satisfactory.

If the candidate comes from a parish that happens to have no minister at the time, any presbyter of the diocese in good standing may sign the certificate, stating in the attestation clause why he signs it in place of the minister.

Or, the candidate may come from a place where there is no organized parish, thus making it impossible to obtain the required certificate of the minister and vestry, or, through circumstances that in no way affect the character of the candidate, he is unable to secure the required certificate from the minister and vestry of his home parish, provision is made that the standing committee may accept a certificate signed by a presbyter of the diocese in good standing, and by six laymen, who are communicants of the Church in good standing. The reasons for presenting such a certificate must be stated in the attestation clause, which clause must be signed by the presbyter signing the certificate or by some other presbyter of the Church, not necessarily belonging to the diocese or district to which the said committee belongs, and stating that the laymen signing the certificate are communicants of the Church in good standing.

Until all of these canonical papers and certificates are in the possession of the standing committee, such committee has no power to take any action towards recommending the candidate for ordination. When, however, all these canonical requirements have been complied with, then the committee may recommend the candidate for ordination to the diaconate by a testimonial addressed to the bishop, and in the form prescribed by the canon.

The last step required of the candidate before being ordered deacon, is a simple but important one. He must subscribe and make the declaration of conformity as required by Article VIII of the Constitution.

No provision is made in this canon for the ordination of a deacon

in a diocese where there is no bishop. While provision is made for such a case in other canons, it would seem advisable that such provision should also be stated in both this canon and the following one, "Of Ordination to the Priesthood."

The provision of Section 9, prior to the amendment of 1940, *supra*, seemed to make it mandatory upon a bishop to ordain a candidate against whom there were no canonical objections. The power of a Convention to enact a canon compelling a bishop to ordain a man thought by him unfit for any reason is, to say the least, doubtful and probably does not exist.

Section 10 of this canon, added in 1952, makes provision for a perpetual diaconate, that is, for those who desire to be in Deacon's Orders but who have no intention of seeking advancement to the priesthood. Its terms are clear and need no comment.

As above stated, under Canon 29, the Convention of 1871 made a somewhat similar provision which was repealed in 1904. Even without such special canonical legislation, there have been instances where men have felt that they could serve the Church in Deacon's Orders without giving up their secular occupations and without being candidates for the priesthood. Since the repeal in 1904 of the 1871 legislation a few have been ordained deacon under the standard canon with the purpose of remaining in that order and have adhered to that purpose. The 1952 canon gives recognition to the diaconate as other than a steppingstone to the priesthood and to some extent facilitates the use of deacons who are not exclusively devoting themselves to the work of the Church.

It is to be noted that perpetual deacons are not only governed by the provisions of Section 10 of this canon but, like all other deacons, are subject to the provisions of Canon 48.

CANON 35

Of Ordination to the Priesthood

SECTION 1. No one shall be ordered Priest until he be
 twenty-four years of age.

Candidate
 to be
 twenty-four
 years of age

To be a
Deacon one
year, and
Candidate
three years,
unless the
time be
shortened

SEC. 2. No one shall be ordered Priest until he has been a Deacon one full year, unless it shall seem good to the Bishop, for reasonable causes, with the advice and consent of a majority of all the members of the Standing Committee, to shorten the time; nor within three years from his admission as a Candidate for Holy Orders, unless the Bishop, for urgent reasons fully stated, with the advice and consent of a majority of all the members of the Standing Committee, shall shorten the time. And in no case shall he be ordered Priest within less than one year from his admission as a Candidate for Holy Orders, nor until he has been a Deacon for at least six months. But a Deacon who has been ordained under the provisions of Canon 32, Section 2, shall not be ordered Priest until he has been a Deacon for at least two years, unless in the meantime he shall have fulfilled the requirements of Canon 29, Section 1.

Recom-
mendation
from
Standing
Committee

SEC. 3. No Deacon shall be ordered Priest unless he be first recommended to the Bishop by the Standing Committee of the Diocese, or by the Council of Advice of the Missionary District, to which he belongs.

Papers to be
laid before
Standing
Committee

SEC. 4. In order to be recommended for ordination by the Standing Committee, the Deacon must lay before the Committee:

(1) An application therefor in writing signed by himself, which shall state the date of his birth.

(2) A certificate from the Bishop declaring that the term of his candidateship and the time of his service in the Diaconate have been completed; but when such certificate cannot be had, other evidence, satisfactory to the Committee, may suffice.

(3) A certificate from the Minister and Vestry of the Parish where he resides, in the following words, viz.:

To the Standing Committee of

Place,

Date,

We do certify that, after due inquiry, we are well assured and believe that the Reverend A. B., Deacon, since the day of in the year

being the date of his ordination to the Diaconate (*or* for the space of three years last past), hath lived a sober, honest, and godly life, and hath not written, taught, or held anything contrary to the Doctrine, Discipline, or Worship of this Church. And, moreover, we think him a person worthy to be admitted to the Sacred Order of Priests.

(Signed)

This certificate must be attested by the Minister of the Parish, or by the Clerk or Secretary of the Vestry, as follows, viz.:

I hereby certify that the Reverend A. B. is a resident of _____ Parish in _____; that the foregoing certificate was signed at a meeting of the Vestry duly convened at _____ on the _____ day of _____, and the names attached are those of all (or a majority of all) the members of the Vestry.

(Signed)

The Minister of
or Clerk or Secretary of Vestry.

SEC. 5. But should the Parish be without a Minister, it shall suffice that in his place the certificate be signed by some Presbyter of the Diocese or Missionary District in good standing, the reason for the substitution being stated in the attesting clause.

If Parish has
no Minister,
certificate
may be
signed
by some
Presbyter

SEC. 6. (a) Should there be no organized Parish at the place of residence of the Candidate, or should it be impracticable, through circumstances not affecting his moral or religious character, to obtain the signatures of the Minister and Vestry, or of the Vestry, it may suffice if the certificate be signed by at least—

If there be
no Parish,
by whom
certificate is
to be signed

(1) One Presbyter of the Diocese or Missionary District, in good standing; and,

(2) Six Laymen, communicants of this Church, in good standing.

(b) In such case, the reasons for departing from the regular form must be given in the attesting clause, which shall be signed by the same, or some other Presbyter of this

Reasons for
this form of
certificate to
be stated

Church in good standing, and shall be in the following words, viz.:

I hereby certify that the Laymen whose names are attached to the foregoing certificate are communicants of this Church in good standing, and that this form of certificate was used for no reasons affecting the moral or religious character of the Candidate, but because (here give the reasons for departing from the regular form).

(Signed)

Presbyter of the Diocese, or Missionary
District of

Testimonial
of Standing
Committee

SEC. 7. The Standing Committee, on the receipt of the certificates prescribed above and the report of the Board of Examining Chaplains prescribed in Canon 31, Sec. 4, and having reason to believe that all other canonical requirements have been complied with, and having no reason to suppose the existence of any sufficient obstacle, physical, mental, moral, or spiritual, may, at a meeting duly convened, a majority of all the members of the Committee consenting, recommend the Deacon for ordination by a testimonial addressed to the Bishop in the following words, viz.:

To the Right Reverend Bishop of

We, being a majority of all the members of the Standing Committee of and having been duly convened at , do testify that the Reverend A. B., Deacon, desiring to be ordered Priest, hath laid before us satisfactory certificates that since the day of in the year being the date of his ordination to the Diaconate (*or* for the space of three years last past), he hath lived a sober, honest, and godly life, and hath not written, taught, or held anything contrary to the Doctrine, Discipline, or Worship of this Church; and we hereby recommend him for ordination to the Priesthood.

In witness whereof, we have hereunto set our hands this day of in the year of our Lord (Signed) .

This testimonial shall be signed by all consenting to its adoption.

SEC. 8. The testimonial having been presented to the Bishop, and there being no sufficient objection on grounds physical, mental, moral, doctrinal, or spiritual, the Bishop may take order for the ordination; and at the time of the ordination he shall require the Deacon to subscribe and make, in his presence, the declaration required in Article VIII of the Constitution.

Declaration
of belief and
conformity

SEC. 9. No Deacon shall be ordered Priest until he shall have been appointed to serve in some parochial Cure within the jurisdiction of this Church, or as a Missionary under the Ecclesiastical Authority of some Diocese or Missionary District, or as an officer of some Missionary Society recognized by the General Convention, or as a Chaplain of the Army or Navy of the United States, or as a Chaplain in some recognized hospital or other welfare institution, or as a Chaplain or instructor in some college or other seminary of learning, with opportunity for the exercise of his Ministry judged sufficient by the Bishop.

Evidence
of his
appointment
to some Cure

In the earlier canons, the provisions relating to the ordering of deacons, and those to the ordering of priests, were usually incorporated in one and the same canon. As these provisions have already been noted in our consideration of Canon 34, Of Ordination to the Diaconate, it would hardly seem necessary to again note them in our consideration of the present canon.

CONVENTION OF 1789

The Convention of 1789 enacted Canon 4, containing a provision as to the age a deacon must have attained before being ordered priest. This provision of the canon read as follows:

nor Priests' Orders on anyone until he shall be twenty-four years old; and except on urgent occasions, unless he hath been a Deacon one year.

This Convention also enacted Canon 5, reading as follows:

No person shall be ordained either Deacon or Priest, unless he shall produce a satisfactory certificate from some Church, parish, or congregation, that he is engaged with them, and that they will receive him as their minister, and allow him a reasonable support; or unless he be engaged as a professor, tutor, or instructor of youth, in some college, academy, or general seminary of learning, duly incorporated; or

unless the Standing Committee of the Church in the State for which he is to be ordained, shall certify to the Bishop their full belief and expectation, that he will be received and settled as a pastor by some one of the vacant churches in that State.

CONVENTION OF 1795

This Convention amended Canon 4 of 1789, so far as it relates to priest's orders, making it Canon 3, and striking out the words "except on urgent occasions."

The Canon of 1789 gave the bishop power, "on urgent occasions" to grant a dispensation from the requirement that a deacon must serve as such for one year before ordination to the priesthood. This power was now taken from him by the amendment of 1795, but it was restored later.

CONVENTION OF 1808

Canon 5 of 1789 was made Canon 13, and amended by striking out the words "either Deacon or," in the first line thereof.

This Convention also amended the Canon 2 of 1795, containing the provisions for the testimonials to be produced by those who are to be ordained to the diaconate and to the priesthood, and which have already been noted in the consideration of the canon "Of Ordination to the Diaconate." The amendment was the addition of a new paragraph relating to the testimonials to be produced by a deacon desiring to be ordered priest as follows:

In the case of a candidate for Priests' orders, his letters of orders as a Deacon shall be received by the Standing Committee as evidence of his pious, moral, and orderly conduct for three years prior to his receiving Deacons' orders; unless some circumstance should have occurred that tends to invalidate the force of this evidence.

Canon 3 of 1795 was made Canon 6, and amended, so far as it relates to priest's orders, to read as follows:

And no Deacon shall be ordained Priest, unless he shall have been a Deacon one year (except for reasonable causes it shall otherwise seem good unto the Bishop).

This amendment restored to the bishop the power of dispensation in the matter of time a man must serve as deacon before being ordered priest, which was taken from him by the Convention of 1795. It will be noted that in this case the power of dispensation belonged to the bishop alone, differing from most of the cases in which dispensations were allowed in the matter of admission to the ministry.

CONVENTION OF 1832

This Convention made a complete revision of the canons, and made the Canon 12 of 1808, Canon 15, and amended the last paragraph thereof to read as follows:

Sec. 5. In the case of a candidate for Priest's Orders, who has been ordained a Deacon within three years preceding, the testimonials above prescribed, may be so altered as to extend to such portion only of the three years preceding his application for Priest's orders, as have elapsed since his ordination as Deacon: and the Standing Committee shall allow the testimonials so altered the same effect as if in the form prescribed, and shall sign their own testimonial in such altered form, with the same effect as if in the form above prescribed, unless some circumstance shall have occurred that tends to invalidate the force of the evidence on which the candidate was ordained Deacon.

Canon 13 of 1808 was made Canon 19, and amended to read as follows:

No person shall be ordained Priest, unless he shall produce to the Bishop a satisfactory certificate from some Church, parish, or congregation, that he is engaged with them, and that they will receive him as their Minister, or unless he be a missionary under the ecclesiastical authority of the Diocese to which he belongs; or in the employment of some missionary society recognized by the General Convention; or unless he be engaged as a professor, tutor, or instructor of youth, in some college, academy, or other seminary of learning, duly incorporated.

CONVENTION OF 1856

In the revision of the canons of ordination made by the Convention of 1856, the requirements for ordination to the priesthood were separated, for the first time, from the requirements for ordination to the diaconate. The Convention enacted Canon 5, "Of the Ordination of Priests," which read, in part, as follows:

Sec. 1. Every Deacon of this Church may be admitted by the Bishop of the Diocese to which he belongs (on the recommendation of the Standing Committee, or where there is no Bishop, by the Standing Committee), a Candidate for Priest's Orders; provided he have the qualifications hereinafter required.

A candidate for Deacon's Orders may, in like manner and upon the same terms, be admitted a Candidate for Priest's Orders; provided he do not require the dispensation hereinafter allowed. But no person shall be ordained Priest, until he has been a Deacon one year.

The last sentence of this section contained the provision of the Canon 6 of 1808, except that the dispensation for reasonable causes is stricken out, thus taking from the bishop the power formerly granted

him of allowing a dispensation in the matter of time he must remain a deacon.

Section 2 contained the educational requirements for a deacon desiring to be ordered priest, and has already been noted.

Section 3 contained the literary requirements of a person desiring to become a candidate for priest's orders, and has already been noted.

Section 4 contained the provisions for a dispensation from the Latin, Greek, and Hebrew languages, and other branches of learning, not strictly ecclesiastical, and has been sufficiently noted.

Sec. 5. If, after obtaining the Canonical testimonials from the Standing Committee, the person be admitted as a Candidate by the Bishop, or, if there be no Bishop, by the Standing Committee, he shall remain a Candidate for the term of three years before his Ordination as Priest, unless the Bishop, with the consent of the Standing Committee, shall deem it expedient to ordain the Candidate after the expiration of a shorter period not less than one year.

Section 6 contained the provisions relating to dispensations that may be granted to persons who have been candidates for the ministry in some other religious body, and has been sufficiently noted.

Sec. 7. No person shall be ordained Priest in this Church, unless he exhibit to the Bishop, testimonials from the Standing Committee of the Diocese for which he is to be Ordained, which shall be signed by the names of a majority of all the Committee, the Committee being duly convened, and shall be in the following words:

We, whose names are hereunto written, testify that A.B., hath laid before us satisfactory testimonials, that for the space of three years last past, he hath lived piously, soberly, and honestly; and hath not written, taught, or held, anything contrary to the doctrine or discipline of the Protestant Episcopal Church; and moreover, we think him a person worthy to be admitted to the Sacred Order of Priests. In witness whereof, we have hereunto set our Hands, this —— day of ——, in the Year of Our Lord ——.

Sec. 8. But before a Standing Committee shall proceed to recommend any Candidate, as aforesaid, to the Bishop, such Candidate shall produce from the Minister and Vestry of the Parish where he resides, or if the Parish be vacant, or if the applicant be the Minister of the Parish, a Deacon desirous of Priest's Orders, from the Vestry alone, testimonials of his piety, good morals, and orderly conduct, in the form prescribed in the Fifth Section of the Canon entitled, "Of Deacons," only changing the word "Deacons" wherever it occurs, for Priests. Under the circumstances mentioned in the Sixth Section of that Canon, or if there should be no Vestry, the certificates provided for in that Section, may be substituted for that above mentioned.

The fifth section referred to in this section is the fifth section of the Canon 4 of 1856, and contained the form of the testimonial required of a person desiring to be ordained deacon, residing in a parish where

there is no minister, also in a case where there is no vestry. The sixth section of the same canon, also referred to in this section, related to the case of a candidate who was unable to procure a testimonial from the minister and vestry of his parish, owing to some peculiar circumstances. Both of these sections have already been noted in our consideration of Canon 34.

Sec. 9. In the case of a Candidate for Priest's Orders, who has been Ordained a Deacon within three years preceding, the testimonials above prescribed may be so altered as to extend to such portion only of the three years preceding his application for Priest's Orders, as have elapsed since his Ordination as Deacon; and the Standing Committee shall allow the testimonials so altered the same effect as if in the form prescribed, and shall sign their own testimonial in such altered form, with the same effect as if in the form above prescribed, unless some circumstance shall have occurred that tends to invalidate the force of the evidence, on which the Candidate was Ordained Deacon.

This section is in the same words as Section 5 of Canon 15 of 1832.

Sec. 10. No person shall be Ordained Priest, unless he shall produce to the Bishop a satisfactory Certificate from some Church, Parish, or Congregation, that he is engaged with them, and that they will receive him as their Minister, or unless he be a Missionary under the Ecclesiastical Authority of the Diocese to which he belongs, or in the employment of some Missionary Society recognized by the General Convention, or, unless he be engaged as a Professor, Tutor, or Instructor of Youth, in some College, Academy, or other Seminary of Learning, duly incorporated.

This section was in the same words as Canon 19 of 1832. Section 11 contained the provisions for the examinations of candidates for priest's orders, with the subjects of such examinations, and has already been noted in our consideration of Canon 29.

Section 12 contained the provisions for the bishop's appointment of some of his presbyters to conduct the examinations referred to in Section 11, and has already been sufficiently noted. Section 13 contained the provisions for the appointment of examining presbyters by the standing committee in a diocese where there is no bishop, and has been sufficiently noted in our consideration of Canon 28.

Section 14 prescribed that a candidate for priest's orders, who shall not within three years after his admission apply to have some of his examinations held, or in five years to have his final examination held, should cease to be a candidate. The provisions of this section have already been sufficiently noted.

Section 15 contained the provisions relating to the ordination of priests to officiate in a congregation without the jurisdiction of the

United States, and where there is no bishop, and have been noted in the consideration of Canon 33, Section 7.

Sec. 16. A Clergyman who presents a person to the Bishop for Orders, as specified in the office for Ordination, without having good grounds to believe that the requisitions of the Canons have been complied with, shall be liable to Ecclesiastical censure.

Section 17 is simply a repealing clause of the former canon the provisions of which were included in this canon.

CONVENTION OF 1859

In its revision of the Digest of the Canons, the fifth canon of 1856 became Title I, Canon 7, and was amended as follows:

Sections 1, 3, 4, 6, 7, 8, 9, and 11, corresponding to Sections 14, 3, 4, 6, 11, 12, and 2, of the fifth canon of 1856, respectively, have already been noted in the consideration of other canons and need not be noted now.

Section 2 (i) and (ii) were the same as former Section 2, of said Canon 5, except that the last sentence thereof, "But no person shall be ordained Priest, until he has been a Deacon one year," was made a part of Title I, Canon 4, Section 2, which section was a re-enactment of the eighth canon of 1808, apparently omitted in the revision of 1856.

Section 5 is former Section 5 of said Canon 5, but amended to read as follows:

Sec. 5. If, after obtaining the canonical testimonials from the Standing Committee, the person be admitted as a candidate, he shall remain a candidate for the term of three years before his ordination as Priest, unless the Bishop, with the consent of the Standing Committee, shall deem it expedient to ordain the candidate after the expiration of a shorter period, not less than one year.

Section 10 was the same as former Section 11 of said Canon 5, without amendment.

Section 12 was the same as former Section 7 of said Canon 5, with two slight amendments as follows:

The word "unless" in the second line was changed to "until." The first words of the form of the testimonial as follows: "We whose names are hereunto written," were stricken out, and these words inserted in place thereof:

We, whose names are underwritten, members of the Standing Committee of the Diocese of ———, do ———.

Section 13 is the former Section 8 of said Canon 5, but amended to read as follows:

Sec. 13. But before the Standing Committee shall proceed to recommend any candidate, as aforesaid, to the Bishop, such candidate shall produce from the Minister and Vestry of the parish where he resides, or, if the parish be vacant, or if the applicant be the Minister of the parish (a Deacon desirous of Priest's orders), from the Vestry alone, testimonials of his piety, good morals, and orderly conduct, in the following words:

"We, whose names are hereunder written, do testify that A.B., for the space of three years last past, hath lived piously, soberly, and honestly, and hath not, so far as we know or believe, written, taught, or held anything contrary to the doctrine or discipline of the Protestant Episcopal Church; and moreover, we think him a person worthy to be admitted to the sacred Order of Priests. In witness whereof, we have hereunto set our hands this _____ day of _____, in the year of our Lord _____."

He shall also lay before the Standing Committee testimonials signed by at least one respectable Presbyterian of the Protestant Episcopal Church in the United States, in the following form:

"I do certify, that A.B., for the space of three years last past, has lived piously, soberly, and honestly, and has not, so far as I know or believe, written, taught, or held anything contrary to the doctrine or discipline of the Protestant Episcopal Church; and moreover, I think him a person worthy to be admitted to the sacred Order of Deacons. This testimonial is founded on my personal knowledge of the said A.B. for one year last past, and for the residue of the said time upon evidence that is satisfactory to me. In witness whereof I have hereunto set my hand this _____ day of _____, in the year of our Lord _____."

Under the circumstances mentioned in Section 5 of said Canon 5, or if there should be no Vestry, the certificate provided for in that Section may be substituted for the one above mentioned.

The word "Deacons" in this last form of testimonial was a typographical error and was corrected by the next Convention.

Section 14 was the same as former Section 9 of said Canon 5, except for a slight amendment. In the third line, the words "above prescribed" after the word "testimonial," were stricken out.

CONVENTION OF 1862

This Convention repealed Section 5, of Title I, Canon 7, of the Canons of 1859, and re-enacted it as Section 2 (i), of Canon 5, of the same title, and made to apply to deacon's orders only, and need not be noted here, having already been considered.

Section 10 was also amended by adding at the end thereof the following words: "or as a chaplain in the Army or Navy of the United States."

CONVENTION OF 1871

This Convention, in its revision of the canons of ordination, very materially amended the former canon, Of the Ordination of Priests as established by the Convention of 1859. The canon, formerly Canon 7, of Title I, was renumbered Canon 8, of the same title.

Section 1 relates to the period of previous study by candidates from other religious bodies, and does not belong to our present discussion.

The remaining sections read as follows:

Sec. 2. A Candidate for Priesthood shall not be ordained within three years from his admission, nor, in any case, within one year from his reception of Deacon's Orders, except by the advice and consent of three-fourths of all the members of the Standing Committee of the Diocese, at a meeting duly convened.

This was practically a new section enacted by this Convention.

Section 3 is identical with Section 10 of the Canons of 1859, and amended in 1862, except that the word "a" was inserted before the word "Priest" in the first line.

Sec. 4. (i) No person shall be ordained a Priest in this Church unless he be recommended to the Bishop for ordination by the Standing Committee of the Diocese for which he is to be ordained.

(ii) In order to [obtain] such recommendation, the Candidate must lay before the Standing Committee testimonials of his piety, good morals, and orderly conduct, from the Minister and Vestry of the Parish where he resides; or, if the Parish be vacant, or if the applicant be the Minister of the Parish (a Deacon desirous of Priest's Orders), from the Vestry alone, in the following words:

We, whose names are hereunder written, do testify that A.B., for the space of three years last past, hath lived piously, soberly, and honestly; and hath not, so far as we know or believe, written, taught, or held anything contrary to the doctrine or discipline of the Protestant Episcopal Church; and, moreover, we think him a person worthy to be admitted to the Sacred Order of Priests. In witness whereof, we have hereunto set our hands, this —— day of ——, in the year of our Lord ——.

(iii) But in case peculiar circumstances, not affecting his moral character, or the want of a Vestry where he is residing or ministering, should hinder the procurement of testimonials as above, the Standing Committee may accept testimonials, of the same tenor, from at least twelve respectable members of the Protestant Episcopal Church.

(iv) The Candidate shall also lay before the Standing Committee a testimonial signed by at least one Presbyter of the Protestant Episcopal Church in the United States, in the following form:

(The testimonial was in the same words as set forth in Title I, Canon 7, Section 13.)

This testimonial shall have the signatures of all consenting to it.

This section contained the subject matter set forth in Sections 5 and 13 of the seventh canon, Title I of 1859.

Sec. 5. Candidates for the Priesthood, ordained Deacons under Sections 5 or 6 of Canon 6, shall not be required to have testimonials covering more time than has elapsed since their admission to Candidateship.

This section referred to the testimonials required of ministers of other Christian bodies, and those ordained to a Church in which the service is celebrated in a foreign language.

Sec. 6. A Candidate for Priest's Orders, ordained Deacon within three years preceding the time of his application for recommendation for ordination to the Priesthood, shall only be required to have testimonials extending back to the time of his ordination: *Provided*, nothing shall have in the meanwhile occurred that tends to invalidate the force of the evidence on which the Candidate was ordained a Deacon.

This section contained the subject matter of Title I, Canon 7, Section 14, of the Canons of 1859.

Sec. 7. Priest's Orders shall not be conferred on any person until he shall have attained the age of twenty-four years complete.

This section contained a part of the subject matter of Title I, Canon 4, Section 2, of the Canons of 1859.

This Convention separated the provisions concerning the learning and examinations of candidates from the provisions concerning the testimonials requisite for ordination, placing them in separate canons instead of in different sections of the same canon.

CONVENTION OF 1892

This Convention made another revision of the canons of ordination, changing some of the provisions of the former Title I, Canon 8, Of Ordination to the Priesthood. The canon was renumbered Canon 10, of the same title, and was amended to read as follows:

Sec. 1. A Candidate for Priest's Orders, on making application for his ordination to the Priesthood, shall lay before the Standing Committee:

(a) A certificate from the Bishop, or if the Diocese be vacant, from the President of the Standing Committee, attesting that he is of sufficient age, and that the term of his candidateship and the time of his service in the Diaconate have been completed.

(b) A certificate from two Presbyters in the following words, viz.:

To the Standing Committee of ———.

Place ———.

Date ———.

We do hereby certify, that A.B., a Candidate for Priest's Orders, for the space of three years last past (or since the —— day of ——, in the year ——, that being the date of his admission to Deacon's Orders) hath lived piously, soberly and honestly, and hath not, so far as we know or believe, written, taught or held anything contrary to the doctrine or discipline of the Protestant Episcopal Church. And, moreover, we think him a person worthy to be admitted to the Sacred Order of Priests. This certificate is founded on our personal knowledge of the said A.B., for one year last past, and for the residue of the time upon evidence satisfactory to us.

(Signed)

(c) A certificate from the Vestry of the Parish where he resides, in the following words, viz.:

To the Standing Committee of ——.

Place ——.

Date ——.

We, whose names are hereunder written, do certify, from personal knowledge, or from evidence satisfactory to us, that A.B., for the space of three years last past (or since the —— day of ——, in the year ——, that being the date of his admission to the Diaconate) hath lived piously, soberly and honestly, and hath not written, taught or held anything contrary to the doctrine or discipline of the Protestant Episcopal Church. And, moreover, we think him a person worthy to be admitted to the Sacred Order of Priests.

(Signed)

This certificate must be attested by the Minister of the Parish, or by the Clerk or Secretary of the Vestry, as follows:

I hereby certify, that A.B. is a resident of —— Parish, in ——. The foregoing certificate was adopted at a duly convened meeting of the Vestry of —— Parish; and the names attached are those of a majority of the whole Vestry.

(Signed)

Minister of —— or Clerk or Secretary of the Vestry.

(d) Should the Parish be vacant, or should the Candidate be himself the Minister thereof, it shall suffice that the foregoing certificate be signed by a majority of the whole Vestry, and attested by the Clerk or Secretary in the same words as before, but with an additional clause explanatory of the omission of the signature of the Minister.

(e) Should there be no organized Parish at the place of residence of the Candidate, or there being such a Parish, should be unable, through circumstances not affecting unfavorably his moral or religious character, to procure such certificate from the Minister and Vestry, the Standing Committee, if the circumstances seem to them to justify such a course, may accept a certificate in the same words, signed by one Presbyter of this Church in good standing, and six respectable Laymen, communicants of this Church, the attestation in such case being made by the Presbyter signing the certificate, or by some other Presbyter of this Church, known to the Committee, and in the following words, viz.:

I do hereby certify, that the Lay signatures to the foregoing certificate are genuine, and are those of Communicants of the Protestant Episcopal Church in

good standing. I further certify, that the certificate was so signed for no reason unfavorably affecting the moral or religious character of the Candidate, but because (here give the reasons for departing from the regular form).

(Signed)

Sec. 2. The certificates above prescribed having been presented to the Standing Committee, they may proceed to recommend the Deacon for Priest's Orders, by a testimonial addressed to the Bishop in the following words, viz.:

To the Right Reverend ———, Bishop of ———.

We, whose names are hereunder written, being a majority of the whole Standing Committee of ———, the said Committee having been duly convened at ———, do testify, that A.B., a Candidate for Priest's Orders, hath laid before us satisfactory certificates, that for the space of three years last past (or since the ——— day of ———, in the year ———, that being the date of his admission to Deacon's Orders), he hath lived piously, soberly and honestly, and hath not written, taught or held anything contrary to the doctrine or discipline of this Church: and we hereby recommend him for admission to the Sacred Order of Priests. In witness whereof, we have hereunto set our hands, this ——— day of ———, in the year of our Lord ———.

(Signed)

Standing Committee of ———.

Sec. 3. No person shall be ordained Priest until he shall have produced evidence satisfactory to the Bishop that he is engaged with some Church, Parish, or Congregation, or as a Missionary, under the Ecclesiastical Authority, of some Diocese or Missionary Jurisdiction, or of some Missionary Society recognized by the General Convention, or as a professor, tutor, or instructor in some college or academy, or other seminary of learning, duly incorporated, or as a Chaplain in the Army or Navy of the United States.

This Convention also enacted Canon 9 of the same title, which read as follows:

Sec. 1. Priest's Orders shall not be conferred upon anyone until he shall have obtained the age of twenty-four years complete.

Sec. 2. No person shall be ordered Priest until he has been a Deacon one full year, except when, by the advice and consent of a majority of the whole Standing Committee, the time may be shortened.

Sec. 3. A Candidate for Priest's Orders shall not be ordained Priest within three years from his admission as such Candidate, unless the Bishop, for urgent reasons, with the advice and consent of three-fourths of the whole Standing Committee, shall shorten the time of his candidateship to not less than one year; but, in case the Candidate was not admitted a Candidate for Priest's Orders until he was a Candidate for Deacon's Orders only, or was admitted under a dispensation from any of the regular examinations, the time of his candidateship shall not be shortened to less than two years.

The fourth and last section related to candidates from other Christian bodies, and does not fall within the scope of our present consideration.

The first section of this canon was practically the same as Section 7 of the eighth canon, Title I, of 1871.

The second section contained the second of the provisions of Section 2 of the said Canon 8.

The third section contained the first provision of said Section 2 of said Canon 8, considerably amplified.

CONVENTION OF 1904

In its revision of the Digest of Canons, this Convention revised the canons of ordination. The tenth canon of 1892 now became Canon 7, and was amended to read as it stands at present, except for slight amendments made by the Convention of 1919 to Section 2 and by the Convention of 1949 to Section 7.

The principal changes made in the canon by the Convention of 1904 were as follows:

A new section, Section 3, was added, providing that no deacon was to be ordered priest without the consent of the standing committee or council of advice. The council of advice of a missionary district was included for the first time.

Another new provision, added by this Convention, was the requirement that the deacon desiring to be ordered priest must make an application to the standing committee in writing, signed by himself, stating the date of his birth. Formerly, the bishop was required to state in his certificate that the deacon was of sufficient age.

Before the revision of 1904, a certificate signed by two presbyters, founded on personal knowledge of the applicant was required; this certificate was no longer required.

The former canon also prescribed that when the standing committee had received the canonical certificates, the committee "may proceed to recommend the Deacon for Priest's Orders." This canon provided that the standing committee was not to recommend a deacon for ordination unless they had "reason to believe that all other canonical requirements have been complied with, and having no reason to suppose the existence of any sufficient obstacle, physical, mental, moral, or spiritual."

A very important addition to the canon was made in the enactment of Section 8. The Canons of 1892 prescribed that the bishop should require the candidate to sign the declaration of belief and conformity

as set forth in Article VIII of the Constitution, before ordination to the diaconate; but there was no such requirement that a deacon must make and sign this declaration before being ordered priest. The Canon of 1904 provided for this omission, and the deacon must now make and subscribe this declaration in the presence of the bishop.

In the former canon, the section relating to the evidence of the appointment of the deacon to be ordered priest to some cure, provided that if he was engaged as a professor or instructor in some college or other seminary of learning, such college or seminary must be a duly incorporated institution. The Convention of 1904 struck out this requirement and inserted in place thereof the words:

with opportunity for the exercise of his Ministry judged sufficient by the Bishop.

CONVENTION OF 1907

This Convention amended Canon 7, Section 2, by making the last paragraph thereof to read as follows:

This shortening of time of candidateship shall not be allowed in any case where the Candidate has a dispensation from any part of the full canonical examinations, except a dispensation from the study of Hebrew; and in no case shall he be ordered Priest within less than one year from his admission as Candidate for Holy Orders, nor until he has been a Deacon for at least six months.

CONVENTION OF 1919

The last paragraph of Canon 7, now Canon 35, Section 2, was again amended by the Convention of 1919, and to read as at present constituted.

The principal change, made by the amendment of 1919, was in providing that a deacon, granted a dispensation because he had attained the age of thirty-two years, or because, being of other race and speech he was to exercise his ministry among people of his own race, or a deacon admitted a candidate with limited literary attainments, was not to be ordained priest until he had been a deacon for two years, unless in the meantime he shall have fulfilled the requirements of the canon Of the Normal Standard of Learning and Examination of Candidates for Holy Orders.

This canon, which in 1925 was numbered Canon 8, was not amended again until 1949.

Meanwhile it had been renumbered Canon 34 in 1940, and Canon 35 in 1946.

CONVENTION OF 1949

Section 7 was amended to read:

Sec. 7. The Standing Committee on receipt of the certificates prescribed above and the report of the Board of Examining Chaplains prescribed in Canon 31, Sec. 4, and having reason to believe, etc.

EXPOSITION OF CANON 35

The age which a deacon must have attained before he can be advanced to the priesthood was fixed by the Church in its first General Convention in 1789 and has never been changed. In the ancient Church, presbyters seem to have been ordained at different ages. Bingham tells us (*Eccl. Ant., Lib. II, Chap. xix*) that "a presbyter or elder in the Christian Church is one who is ordained to a certain office, and authorized by his quality, *not by his age*, to discharge the several duties of that office, and station wherein he is placed; though the decrees of some of the early councils forbid his ordination until he has reached the age of thirty."

In the Church of England, the law, since 1549, has required that a person must be twenty-four years old before he can be ordered priest, and the American Church re-enacted the law of the Mother Church without question.

No dispensation is allowed in this age requirement.

While in ordinary cases, a deacon must remain as such for one year before being ordered priest, the canon provides that the bishop may, with the advice and consent of a majority of all the members of the standing committee, and for reasonable causes, shorten the time to a period not less than six months. Candidates who have been ordained to the diaconate under the provisions made for special cases, must remain as deacons for two years, before being ordered priests, unless before that time has expired they have fulfilled the requirements of the canon, Of the Normal Standard of Learning and Examination of Candidates for Holy Orders.

Before the bishop is allowed by the canon to ordain a deacon to the priesthood, he must first have the recommendation of the standing committee of the diocese, or of the council of advice of the missionary district, to which the deacon belongs. This requirement admits of no exceptions.

The canon provides that before the standing committee, or council of advice, as the case may be, can give this recommendation to the bishop, the deacon must present certain papers to the committee or council of advice, as prescribed in the canon. Besides his own application, stating the date of his birth, and the certificate of the bishop that he has completed the required term of candidateship and service in the diaconate, unless, when such certificate cannot be had, other satisfactory evidence as to the facts required in the bishop's certificate may be substituted, the deacon must present a certificate from the minister and vestry of the parish where he resides, testifying to his good character, and that they recommend him as a person whom they believe worthy to be ordered priest. This certificate must be signed at a duly convened meeting of the vestry, and by a majority of all the members of the vestry, and these facts must be attested by the minister, if there be one, if not, then by the clerk or secretary of the vestry. In case there be no minister of the parish, the certificate must also then be signed by some presbyter of the diocese or district, and the reason why such presbyter signs the certificate must be stated in the attestation clause. It would not meet the canonical requirement if the certificate should be signed by a majority of those present at a vestry meeting when such majority did not include a majority of all the members thereof, nor if it was signed by a majority of all the members at any other time than in a meeting of the vestry duly convened.

A certificate so signed would be null and void, and could not be accepted by the standing committee or council of advice.

The canon makes provision for a case where there is no organized parish at the place where the deacon resides, and also for a case where the deacon is unable, through circumstances not affecting his moral or religious character, to obtain the signatures of the minister and vestry, or of the vestry. In such cases the canonical certificate may be signed by one presbyter of the diocese or district, and six laymen who are communicants of the Church. Either the presbyter signing the certificate, or some other presbyter, must sign the attestation clause, in which must be stated the reasons for departing from the regular form, and also that the laymen signing the certificate are communicants of the Church in good standing.

The papers and certificates required by the canon, having been laid before the standing committee or council of advice, as the case may be, and being found satisfactory, the committee or council may then

proceed to recommend the deacon to the bishop for ordination to the priesthood.

When the bishop has received the recommendation of the committee or council, he may then, and not until then, proceed to take order for the ordination of the deacon to the priesthood. It must be noted, however, that the bishop is not obliged, in any case, to ordain a man either to the diaconate or to the priesthood. Even after he has received the testimonial of the standing committee, if, for any reason, he does not deem it wise to ordain the candidate, he has the right to refuse ordination, and his refusal cannot be overruled. The right to ordain belongs to the bishop, and to him alone. It is one of his inherent prerogatives and cannot legally be taken from him.

Prior to the revision of the canons in 1904, there was a singular omission in the canons relating to ordination to the priesthood. While it was prescribed that before ordination to the diaconate, the candidate was required to subscribe and make, in the presence of the bishop, the declaration of belief and uniformity prescribed in Article VIII of the Constitution, there was no canonical requirement that a deacon, before his ordination to the priesthood, should make this declaration. This omission was corrected by the Convention of 1904, and now every deacon, before his ordination to the priesthood, is required to subscribe and make this declaration in the presence of the bishop.

There is one other canonical requirement before a deacon can be ordered priest; the bishop must be satisfied that the person to be so ordained has been appointed to serve in some parochial cure, or as a missionary, or officer of some missionary society recognized by the General Convention, or as a chaplain in the Army or Navy of this country, or as a chaplain in some recognized hospital or welfare institution, or as chaplain or instructor in some college or other seminary of learning, with opportunity for the exercise of his ministry, judged sufficient by the bishop.

We find that it was a rule of the early Church that no person should be ordained either as deacon or priest, who had not some certain place where he was to exercise his ministry. The Council of Chalcedon, in 451, enacted a canon to this effect. The Church of England continued this rule after the Reformation, and the American Church adopted the same rule, at first, making this requirement to extend to deacons as well as priests, but the Convention of 1808 amended the

canon so as to make this requirement cover only cases of ordination to the priesthood.

It is worthy of notice that the only amendment of this canon during the thirty years between 1919 and 1949 had as its purpose to call the attention of standing committees to the requirement that in recommending a deacon for the priesthood they have before them the report of the examining Chaplains.

CANON 36

Of the Ordination of Deacons and Priests in Special Cases

SECTION 1. In case any Minister who has not received episcopal ordination shall desire to receive such orders from a Bishop of this Church to the Diaconate and to the Priesthood without giving up or denying his fellowship or his ministry in the Communion to which he belongs, the Bishop of the Diocese or Missionary District in which he lives, with the advice and consent of the Standing Committee or the Council of Advice, may confirm and ordain him; *Provided*, also, that the congregation, if any, in which such Minister officiates, shall declare, through its proper representatives, its desire for such ordination on behalf of its Minister, and its purpose to receive in future the ministrations and the Sacraments of one who shall be ordained to the Priesthood by a Bishop.

Of Ministers
who have
not received
Episcopal
ordination

SEC. 2. The Minister desiring to be so ordained shall satisfy the Bishop that he has resided in the United States at least one year; that he has been duly baptized with water in the name of the Father, and of the Son, and of the Holy Ghost; that he holds the historic faith of the Church as contained in the Apostles' Creed and the Nicene Creed; that there is no sufficient objection on grounds physical, mental, moral or spiritual; that the Ecclesiastical Authority to which he is subject in the Communion to which he belongs consents to such ordination; that he will not knowingly admit to the Holy Communion any person who has not been baptized with water in the name of the Father and of the Son and of the Holy Ghost; and further, the

Pre-
ordination
requirements

Bishop shall charge him that the Church hopefully anticipates the use of the Apostolic practice of Confirmation among his people.

Declarations,
under-
takings, and
agreements
required

SEC. 3. At the time of such ordination the person so to be ordained shall subscribe and make in the presence of the Bishop a declaration that he believes the Holy Scriptures of the Old and New Testaments to be the Word of God and to contain all things necessary to salvation; that in the ministration of Baptism he will unfailingly baptize with water in the name of the Father, and of the Son, and of the Holy Ghost. He shall also undertake that in the celebration of the Holy Communion he will invariably use the elements of bread and wine, and will include in the service (1) a Prayer of Consecration, embodying the words and acts of our Lord in the Institution of the Sacrament, an Offering, an Invocation of the Holy Spirit and a Thanksgiving, (2) the Lord's Prayer, and (3) the Apostles' Creed or the Nicene Creed as the symbol of the faith and unity of the Holy Catholic Church. He shall also agree that when thereto invited by the Bishop of this Church having jurisdiction in the place where he lives, he will (unless unavoidably prevented) meet with such Bishop for Holy Communion and for counsel and cooperation; and that he will hold himself answerable to the Bishop of this Church having jurisdiction in the place where he lives, or, if there be no such Bishop, to the Presiding Bishop of this Church, in case he be called in question with respect to error of faith or of conduct.

Procedure
in case of
Trial

SEC. 4. In case a person so ordained be charged with error of faith or of conduct he shall have reasonable notice of the charge and reasonable opportunity to be heard, and the procedure shall be similar to the procedure in the case of a Clergyman of this Church charged with the like offense. The sentence shall always be pronounced by the Bishop and shall be such as a Clergyman of this Church would be liable to. It shall be certified to the Ecclesiastical Authority to which the defendant is responsible in any other Communion. If he shall have been tried before a tribunal of

the Communion in which he has exercised his ministry, the judgment of such tribunal proceeding in the due exercise of its jurisdiction shall be taken as conclusive evidence of facts thereby adjudged.

SEC. 5. A Minister so ordained may officiate according to the prescribed order of this Church, in a Diocese or Missionary District of this Church when licensed by the Ecclesiastical Authority thereof, but he shall not become the Rector or a Minister of any Parish or Congregation of this Church until he shall have subscribed and made to the Ordinary a declaration in writing, whereby he shall solemnly engage to conform to the Doctrine, Discipline and Worship of this Church. Upon his making such declaration and being duly elected Rector or Minister of a Parish or Congregation of this Church, and complying with the Canons of this Church and of the Diocese or Missionary District in that behalf, he shall become for all purposes a Minister of this Church.

Conditions
of officiating
and
restrictions

SEC. 6. (a). If any Minister who has not received Episcopal ordination desires to be made a Deacon or to be ordered Priest in this Church, without giving up or denying his fellowship or his ministry in the Communion to which he belongs, after the Bishop of the Diocese is satisfied that he has resided in the United States at least one year; that he has been duly baptized with water in the name of the Father, and of the Son, and of the Holy Ghost; that he holds the historic faith of the Church as contained in the Apostles' Creed and the Nicene Creed; that there is no sufficient objection on grounds physical, mental, moral or spiritual; the Bishop with the consent of the Standing Committee or of the Council of Advice of the Missionary District obtained after the canonical requirements precedent to ordination as set forth in this Canon have been fulfilled may make him a Deacon or order him Priest. At the time of such ordination the Bishop may read this preface to the service:

A. B., who has already been ordained a minister of Christ, and desires to be a Deacon (*or* Priest) in this Church, has

satisfied the Ecclesiastical Authority of this Diocese that he accepts the Doctrine, Discipline and Worship of this Church. We are about to confer upon him authority to minister in this Church.

(b). The letters of ordination in such cases may contain the words: Recognizing the ministry which he has already received and hereby adding to that commission the grace and authority of Holy Orders as required for the exercise of the ministry of this Church.

(c). If any minister who has been ordained to the Diaconate or to the Priesthood by a Bishop whose authority to convey such orders is open to question, shall desire to exercise his ministry in this Church, the Bishop of the Diocese in which he resides shall, if necessary, baptize him and confirm him, and with the advice and consent of the Standing Committee or of the Council of Advice of the Missionary District after all canonical requirements precedent to ordination have been fulfilled, may ordain him conditionally to the Diaconate and to the Priesthood. The Bishop at the time of such ordination shall read this preface to the service:

A. B., who was ordained by a Bishop whose authority is not recognized by this Church, has now satisfied the Bishop of the Diocese that he accepts the Doctrine, Discipline and Worship of this Church, and desires conditional ordination. We propose to give assurance that A. B. is qualified to minister in this Church.

SEC. 7. In this Canon the action to be taken by a Bishop is limited to that of the Bishop of a Diocese or Missionary District, having jurisdiction therein.

CONVENTION OF 1922

This canon was first enacted by the Convention of 1922, and is an entirely new departure from the previous polity of the Church, in that it provides for episcopal ordination of deacons and priests to minister in other religious bodies.

The General Convention of 1919 was informed that certain members of this Church, consisting of bishops, priests, and laymen, had

had informal conferences with certain ministers and laymen of Congregational Churches, regarding the ordination of ministers of that religious body by bishops of this Church to minister as pastors in their respective congregations.

A document called "Proposals for an Approach towards Unity," together with a proposed canon on the subject, was submitted to the same Convention, which adopted a preamble and resolutions approving, in general, the proposals, and appointed a joint commission to continue conference with the congregational signatories to the proposals, and to report to the Convention of 1922. This joint commission, which was known as the "Joint Commission on the Concordat," met with a similar commission appointed by the National Council of Congregational Churches for the purpose of forming a Concordat between the Episcopal Church and the Congregational Churches. Twelve "Proposals for an Approach towards Unity," as they were called, were set forth, but agreement was reached on only a part of these "Proposals" by the two commissions before the meeting of the General Convention in October, 1922. Our own joint commission introduced in the General Convention of 1922 a proposed canon concerning the Ordination of Deacons and Priests in Special Cases.

The canon proposed by the joint commission was amended by the House of Bishops as follows:

To the end of Section 1 were added the following words:

and its purpose to receive in future the ministrations and Sacraments of one who shall be ordained to the Priesthood by a Bishop.

In Section 2 the following words were stricken out:

and the Bishop shall charge him that no one shall be admitted to the Lord's Table unless he shall have been baptized with water in the Name of the Father, and of the Son, and of the Holy Ghost, and that this Church will hopefully anticipate the use of the Apostolic practice of Confirmation among his people.

and these words inserted in place thereof:

that he will not knowingly admit to the Holy Communion any person who has not been baptized with water in the Name of the Father, and of the Son, and of the Holy Ghost; and further, the Bishop shall charge him that the Church hopefully anticipates the use of the Apostolic practice of Confirmation among his people.

In Section 3 the following words were stricken out:

(a) a prayer of Consecration, Offering, Invocation of the Holy Spirit and Thanksgiving, embodying the words and acts of our Lord in the institution of the Sacrament,

and in place thereof the following words were inserted:

(a) a prayer of Consecration, embodying the words and acts of our Lord in the Institution of the Sacrament, an Offering, an Invocation of the Holy Spirit, and a Thanksgiving.

In Section 5 the following words at the beginning of said section were stricken out: "A Minister so ordained may officiate." and in place thereof the following words were inserted: "A Minister so ordained may officiate according to the prescribed order of this Church."

A new section, numbered 6, was added to read as follows:

Sec. 6. In this Canon the action to be taken by a Bishop is limited to that of the Bishop of a Diocese or Missionary District, having jurisdiction therein.

CONVENTION OF 1934

At this Convention a new Section 6 was added and subsequent sections renumbered. The form was the same as the present Section 6, except that the preface to the service in clause (i) of the amendment of 1934 read:

A. B. who has already been ordained a Minister of Christ, desiring to be a Deacon or Priest in this Church, has satisfied the Ecclesiastical Authority of this Diocese that he accepts the Doctrine, Discipline, and Worship of this Church, we are about to confer upon him the authority to minister in that Church.

This amendment and the present canon seem in their terms to confer upon a diocesan power to ordain to the diaconate and priesthood a person who has not received confirmation.

CONVENTION OF 1943

The canon was renumbered Canon 35 and alterations in text were made. In Section 4 the words "the Church" were changed to "this Church" in line 8, and in Section 6 the preface to the service was amended to read as at present by changing the word "desiring" to "and desires."

CONVENTION OF 1946

The canon was renumbered Canon 36 and Section 6 (a) was amended by inserting in line 14 after the word "ordination" the words "as set forth in this Canon."

CONVENTION OF 1952

At this Convention a resolution was offered in the House of Deputies repealing this canon.

A majority of the Committee on Canons, having reported recommending adoption of the resolution, it was defeated on a vote by orders as follows:

Clerical—Ayes, 49½; noes, 25; divided, 6.

Lay—Ayes, 33¼; noes, 39; divided, 7.

The following resolution was then presented:

Whereas, In the Diocese of Maryland, there exists a difference of interpretation of Canon 36, Section 6, as to whether it applies only to persons who desire ordination, but without giving up or denying their fellowship or ministry in the Communion to which they belong, or to persons who abandon their ministry in a Church other than the Protestant Episcopal Church, and desire to come into full communion with the Church; and

Whereas, The majority of the Standing Committee of the Diocese of Maryland believes that this Section as well as those Sections which precede Section 6, apply only to those who wish to receive Holy Orders without giving up their present Ministry and Communion, because all other cases of persons seeking Holy Orders are covered by Canons 26 to 35 inclusive, and requested the Convention of the Diocese of Maryland meeting in January, 1952, to memorialize General Convention to clarify the meaning of the said Section 6; and

Whereas, The said Diocesan Convention unanimously enacted a resolution so to petition the General Convention of the Church; therefore be it

Resolved, The House of Bishops concurring, that Canon 36, Sec. 6 (a) be amended by inserting after the words "desires to be made a Deacon or to be ordered Priest in the Church," the words, "without giving up or denying his fellowship or his Ministry in the Communion to which he belongs," so that the first part of the Section shall read as follows:—

Sec. 6. (a) If any Minister who has not received Episcopal ordination desires to be made a Deacon or to be ordered Priest in this Church, without giving up or denying his fellowship or his ministry in the Communion to which he belongs, after the Bishop of the Diocese is satisfied, etc.

The Committee on Canons, having recommended adoption as a clarifying amendment, the resolution was adopted and the House of Bishops concurred.

The effect of this amendment is the adoption of the construction of Canon 36 presented by a majority of the Standing Committee of Maryland and to remove the doubt which existed whether Section 6 allowed ordination of a minister who was ready to give up his former fellowship or ministry.

EXPOSITION OF CANON 36

While this canon was enacted, primarily, to provide for the ordination of ministers of the Congregational Church, its provisions are applicable to the ministers of any religious body who have not received episcopal ordination, but who may desire to receive the same without giving up their ministry in the communion to which they belong.

A minister of another body of Christians, desiring to be ordained under the provisions of this canon, must first make application to the bishop of the diocese or missionary district in which he lives, satisfying the bishop that he has resided in the United States for at least one year; that he has been duly baptized as this Church requires; that he holds the historic faith of the Church as contained in the two creeds; that there are no sufficient grounds of objection to his ordination; that the ecclesiastical authority of the denomination to which he belongs consents to his ordination; and that he will not knowingly admit to the Holy Communion any person who has not been duly baptized as this Church requires.

Before the bishop can proceed to the ordination of a minister so applying, he must first receive from the congregation, if any, in which such minister is officiating, through its proper representatives, a statement of its desire for the ordination of its minister, and also a declaration that in the future it will receive the ministrations and sacraments of a minister ordained to the priesthood by a bishop.

These pre-ordination requirements having been complied with, the bishop, with the advice and consent of the standing committee or the council of advice, as the case may be, may proceed to such ordination.

The requirement of the canon that the consent of the ecclesiastical authority to which he is subject in his own communion must first be obtained, does not apply to a Congregational minister as there is no ecclesiastical authority having any jurisdiction over such ministers apart from the individual congregation. If a Congregational minister has no pastoral charge, then no other consent save his own is required.

At the time of his ordination the minister to be ordained must subscribe and make in the presence of the ordaining bishop a declaration of his belief in the Holy Scriptures; that in the ministration of baptism he will unfailingly baptize as this Church requires; that he will celebrate the Holy Communion, practically, as prescribed in the Church's order for the administration of the Holy Communion; at the same time he must agree that he will meet with the bishop having

jurisdiction in the place where he lives for Holy Communion, and for counsel, and cooperation when thereto invited by the bishop; and that he will hold himself answerable to such bishop in case he be called in question with respect to error of faith or conduct. Provision is made that in case there be no such bishop at the time, then he will hold himself answerable to the Presiding Bishop. The mode of procedure in the case of the trial of a clergyman ordained under this canon is similar to the procedure in the case of a clergyman of this Church charged with a like offense, and the sentence, if any, to be pronounced shall be such as a clergyman of this Church would be liable to and is to be certified to the ecclesiastical authority to which the clergyman is responsible in his own communion. In the case of a Congregational minister such authority would be the congregation of which he was pastor. If such minister shall have been tried and found guilty before a tribunal of his own communion, the judgment of such tribunal shall be taken as conclusive evidence of facts thereby adjudged, but no provision is made as to the mode of procedure to be taken by the bishop having jurisdiction in the place where such minister has been adjudged guilty by a tribunal of his own communion. The whole question of the jurisdiction of a bishop over a minister belonging to another communion who has been ordained under the provisions of this canon is somewhat involved. It is a question how a bishop can enforce his judgment in the case of a Congregational minister ordained under this canon whom he has sentenced after trial, if the congregation to whom he ministers refuses to accept such judgment and retains such minister as its pastor.

Provision is made in the fifth section that a minister ordained under this canon may officiate in a parish or congregation of this Church if licensed by the ecclesiastical authority of the diocese in which such parish or congregation is located, and may also be elected rector of a parish by simply subscribing and making a declaration in writing to the bishop of the diocese or missionary district, whereby he solemnly engages to conform to the doctrine, discipline, and worship of this Church. After he has made the said declaration, and having been duly elected rector or minister of a parish or congregation, and complying with the canons of the Church relating to the rectorship of a parish and the election thereto, the canon declares, "he shall become for all purposes a Minister of this Church."

The last section of the canon provides that only a bishop having jurisdiction can take action under this canon. Suffragan bishops can-

not take such action as they have no jurisdiction. Coadjutor bishops who have been given jurisdiction by their diocesans would seem to have the right to take such action.

When the canon as proposed by the joint commission was introduced in the House of Deputies it was referred to the Committee on Canons. This committee, after careful consideration thereof, reported back to the House that, in its judgment, the canon was unconstitutional, being in conflict with Article VIII of the Constitution, and asked to be discharged from further consideration of the subject. This report was not acted upon by the House of Deputies for the reason that action in the matter was taken upon a message from the House of Bishops transmitting the same canon as amended and adopted by that House.

It is a very serious question whether the provisions of Section 5 of the canon are strictly constitutional. Article VIII of the Constitution says:

No person shall be ordered Priest or Deacon to minister in this Church until he shall have been examined by the Bishop and two Priests and shall have exhibited such testimonials and other requisites as the Canons in that case provided may direct.

The words "to minister in this Church" were inserted in the article by the Convention of 1922 in order to make possible the enactment of the canon under consideration. Ministers of other communions ordained priests or deacons under this canon are not ordained "to minister in this Church" and for that reason they are exempt from the requirements of the article. They are not required to serve any canonical time as candidates or deacons or to undergo a single one of the canonical examinations. Persons ordered priests or deacons to minister in this Church are required to be examined by the bishop and two priests and to "exhibit such testimonials and other requisites as the Canons in that case provided may direct." These testimonials and other requisites are set forth in the canons of ordination and must be strictly complied with before the bishop can proceed to ordination. When a minister of another communion, ordained a priest under the provisions of this canon, desires to minister in this Church, all that is required of him is the signing of the constitutional declaration of conformity, and then, if he be elected rector of a parish or congregation, he becomes, with the bishop's consent, for all purposes a minister of this Church. It would seem, therefore, that a person ordained priest or deacon under the provisions of this canon is practically ordained

to minister in this Church should he so desire and the bishop consents thereto. Even the consent of the standing committee is not required to his thus becoming a minister of this Church.

A Congregational minister ordained under this canon does not give up or deny his fellowship or his ministry in the Congregational Church; he still remains a Congregational minister. The canons of ordination provide that when a person who has served in the regular ministry of some other body of Christians for at least five years, desires to be ordained a priest in this Church, he must serve at least six months as a candidate, and at least six months as a deacon before he can be ordained. Under the provisions of this canon he can be made a priest of this Church, if he so desires, without serving any period as a candidate, or as a deacon, and without undergoing a single canonical examination. This fifth section of the canon would seem to be not only in conflict with the Constitution, but also in conflict with the canons of ordination.

This canon would also seem to be in conflict with "The Form and Manner of Making Deacons," and with "The Form and Manner of Ordering Priests," as set forth in the Book of Common Prayer. This fact was recognized by the joint commission on the concordat which framed the canon. The commission, therefore, proposed that Canon 9, entitled *Of General Provisions Respecting Ordinations* be amended by the addition of a new section to read as follows:

Sec. 8. In case of Ordinations pursuant to the Canon "Of the Ordination and Deacons in Special Cases," the Order shall be conformed as nearly as may be in the judgment of the Bishop ordaining, to that used in the case of ministers ordained to minister in this Church.

The House of Bishops also recognized that some enabling legislation was necessary to make the provisions of Canon 36 operative, and adopted a new canon for this purpose, reading as follows:

In the Ordination of a Deacon or a Priest in special cases only changes in the Services contained in the Prayer Book shall be made which are necessary to avoid unreality in the conferring of Holy Orders; as in modifications of the questions addressed to those to be ordained, and in the term of service required in the Diaconate. For any such modifications of the service the ordaining Bishop must first secure the approval, either of the Presiding Bishop of the Church, or of a majority of the Bishops of the Province.

This canon as adopted by the House of Bishops was transmitted by message to the House of Deputies in the evening of the next to the last day of the session and referred to the Committee on Canons. It being impossible to obtain a quorum of that committee, due to the

fact that a majority of the members thereof had left the Convention, the chairman reported the said message back to the House of Deputies without recommendation, but stated, in reply to a question from the floor of the House, that in his opinion the proposed canon was unconstitutional. The question then before the House was, shall this House concur in the action of the House of Bishops as communicated in their Message No. 168? The House of Deputies voted by a large majority not to concur with the House of Bishops in enacting the enabling canon. The proposed canon, therefore, failed of enactment because of the non-concurrence of the two houses.

The purpose of the proposed canon was to empower an ordaining bishop, acting under the provisions of Canon 36 and with the consent of the Presiding Bishop, or of a majority of the bishops of the province, to make such modifications in the service of ordination as might be necessary, in the language of the proposed canon, "to avoid unreality in the conferring of Holy Orders."

This proposed canon would seem to be in direct conflict with Article X of the Constitution which declares that

The Book of Common Prayer and Administration of the Sacraments and other Rites and Ceremonies of the Church, together with the Psalter or Psalms of David, the Form and Manner of Making, Ordaining, and Consecrating Bishops, Priests, and Deacons, . . . as now established or hereafter amended by the authority of this Church, shall be in use in all the Dioceses and Missionary Districts of this Church. No alteration thereof or addition thereto shall be made unless the same shall be first proposed in one triennial meeting of the General Convention, and by a resolve thereof be sent within six months to the Secretary of the Convention of every Diocese, to be made known to the Diocesan Convention at its next meeting, and be adopted by the General Convention at its next succeeding triennial meeting by a majority of the whole number of Bishops entitled to vote in the House of Bishops, and by a majority of the Clerical and Lay Deputies of all the Diocese entitled to representation in the House of Deputies voting by Orders.

Under the provisions of this article, no alteration in the form and manner of making and ordaining priests and deacons can be made except by the action of two successive General Conventions, and in the final consideration of the proposed alteration or amendment, such alteration or amendment must be adopted in the House of Deputies, by a majority of the clerical and lay deputies of all the dioceses entitled to representation in that house, voting by orders. Thus has the Church most carefully provided for any change in the language of any portion of her Prayer Book.

The proposed canon would have placed it in the power of two bishops to make such alterations in the ordination service as they might think necessary.

In order to provide that a single General Convention might have the power to amend the Table of Lessons, and the Tables and Rubrics relating to the use of the Psalms, it was deemed necessary to enact an amendment to Article X in the form of a proviso, expressly providing therefor. It would seem as if the service of ordination was as important as the Table of Lessons, and the prescribed use of the Psalms, and that a similar constitutional amendment would be necessary in order to enable a single General Convention to alter or amend the same.

If the General Convention had taken no action in regard to making alteration in the ordination service, it is possible that some bishops might have felt that necessity would justify them in making such alterations in that service as might be necessary to carry out the provisions of Canon 36, but the General Convention has acted in the matter, and definitely refused to authorize any bishop or bishops to make alterations in the ordinal; therefore, the ordinal as it stands in the Prayer Book must be used in the ordination of any person to the diaconate or to the priesthood whether such deacons or priests are to minister in this Church or in some other religious body. It is conceivable, however, that in the case of some of the oriental churches, which are not literally in communion with this Church, and, perhaps, in some other cases, an ordination might be effected in which no variation from the form of the ordinal would be required. Persons so ordained could be transferred by the bishop to a foreign jurisdiction immediately after their ordination, which would, of course, nullify the promises they made in their ordination.

The question was raised in the House of Deputies in the Convention of 1922, during the debate on the ratification of the amendments to Article VIII, whether a bishop could be consecrated under the provisions of the amendments to that article. It was stated in reply, that a bishop could not be so consecrated. It is very doubtful if this reply was correct. Within six months after these amendments to Article VIII had been enacted, such a consecration occurred in the case of Bishop Ferrando, and his consecration would seem to be justified under Article VIII as amended. The authority granted to the bishops by the present Article VIII is a sweeping authority, which is, in no way, limited by Canon 36.

It would seem, however, that the failure of General Convention to enact the enabling canon adopted by the House of Bishops, renders Canon 36 inoperative, unless some conditions arise whereby a minister of some other communion might be willing to accept all the obligation in the ordination service. It is unlikely, however, that such conditions would arise in connection with applicants from the congregational or like bodies, as it would seem improbable that a minister intending to remain in his present communion would be able to accept the obligations of the ordinal.

Hence, as before stated, without some enabling legislation by General Convention, Canon 36 is practically inoperative.

A considerable obstacle to ordination under this canon arises from the requirement in Section 1 that the congregation in which the candidate ministers must declare its purpose to receive in future the ministrations and sacraments of one who shall be ordained to the priesthood by a bishop. While the enforceability of such a declaration of purpose would be difficult, if not impossible, its requirement is enough to frighten off most congregations. Efforts have been made at several conventions to repeal this requirement.

It will be noted that the examining chaplains and standing committee are given no function under the canon.

CANON 37

Of Ministers Ordained in Foreign Countries by Bishops in Communion with this Church

Certificate
required
before he
can officiate
in this
Church

SECTION 1. (a). A Minister declaring himself to have been ordained beyond the limits of the United States by a foreign Bishop in communion with this Church, or by a Bishop consecrated for a foreign country by Bishops of this Church under Article III of the Constitution, shall, before he be permitted to officiate in any Parish or Congregation of this Church, exhibit to the Minister, or, if there be no Minister, to the Vestry thereof, a certificate of recent date, signed by the Ecclesiastical Authority of the Diocese or Missionary District, that his letters of Holy Orders and other credentials are valid and authentic, and given by a Bishop in communion with this Church, and whose au-

thority is acknowledged by this Church, and also that he has exhibited to the said Ecclesiastical Authority satisfactory evidence of his moral and godly character, and of his theological acquirements.

(b). And before he shall be permitted to take charge of any Parish or Congregation, or be received into any Diocese or Missionary District of this Church as a Minister thereof, he shall produce to the Ecclesiastical Authority Letters Dimissory or equivalent credentials under the hand and seal of the Bishop with whose Diocese or Missionary District he has been last connected, which letters or credentials shall be delivered within six months from the date thereof. Before such Minister shall be so received, the Bishop shall require him to promise in writing to submit himself in all things to the discipline of this Church, without recourse to any foreign jurisdiction, civil or ecclesiastical; and shall further require him to subscribe and make in his presence, and in the presence of two or more Presbyters, the declaration required in Article VIII of the Constitution. He shall also be examined by the Bishop and at least one Presbyter as to his knowledge of the history of this Church, its worship and government. The said Ecclesiastical Authority, being satisfied of his theological acquirements, may then receive him into the Diocese or Missionary District as a Minister of this Church; *Provided*, that such Minister shall not be entitled to hold canonical charge in any Parish or Congregation, until he shall have resided one year in the United States subsequent to the acceptance of his credentials.

Before
taking
charge of
a Parish

(c). A Minister declaring himself to have been ordained beyond the limits of the United States by a foreign Bishop in communion with this Church, or by a Bishop consecrated for a foreign country by Bishops of this Church, under Article III of the Constitution, shall not be accepted nor shall the Minister named therein be placed on the clergy list of this Church until such a Minister shall have submitted himself to, and satisfactorily passed, a thorough examination by a physician appointed by the Bishop. This examination shall cover the man's mental and nervous, as

Medical
Examination

well as his physical condition. The form of medical report prepared by The Church Pension Fund shall be used for this purpose.

If a Deacon,
to reside
one year in
this country
before being
ordered
Priest

SEC. 2. If such Minister be a Deacon, he shall not be ordered Priest until he shall have resided in the United States at least one year.

Soon after the close of the War of Revolution, clergymen began coming over to this country from England in considerable number, and it became necessary to make some provision whereby it might be ascertained whether they were duly ordained clergymen or not, and such a provision was inserted in the first canons of the Church.

CONVENTION OF 1789

The Convention enacted the Canon 9 of that year which read as follows:

No person, not a member of this Church, who shall profess to be episcopally ordained, shall be permitted to officiate therein, until he shall have exhibited to the Vestry of the Church in which he shall offer to officiate, a certificate signed by the Bishop of the Diocese or district, or, where there is no Bishop, by three Clergymen of the Standing Committee of the Convention of that State, that his Letters of Orders are authentic, and given by some Bishop whose authority is acknowledged by this Church, and also satisfactory evidence of his moral character.

CONVENTION OF 1804

Canon 9 of 1789 was made Canon 5, and amended to read as follows:

A clergyman coming from a foreign country, and professing to be regularly ordained, shall, before he be permitted to officiate in any parish or church, exhibit to the Vestry thereof satisfactory evidence of his moral character, and a certificate signed by the Bishop of the diocese, or, where there is no Bishop, by three clerical members of the standing committee, that his letters of Orders are authentic, and given by some Bishop whose authority is acknowledged by this Church. And should any such clergyman desire to settle in any diocese, he shall first obtain the license of the Bishop, or, where there is no Bishop, the permission of three clerical members of the standing committee, to officiate within the diocese or state. And if, within one year, he shall be guilty of any unworthy conduct, the Bishop, or, where there is no Bishop, three clerical members of the standing committee, shall withdraw this license or permission; nor shall he be allowed to discharge the clerical functions, till he shall have produced to the Bishop such testimonials as are pre-

scribed in the 2nd Canon of 1795, or to the clerical members of the standing committee, such credentials as would induce them to give said testimonials.

And in any case, before he shall be entitled to be inducted into a parish or church, he shall have resided one year in the United States.

And if any such foreign clergyman shall remove from one diocese to another, before one year has expired, he shall not be allowed by the ecclesiastical authority of the diocese to which he goes, to officiate in said diocese, till he shall have complied with the requisitions of the Canons concerning ministers removing from one diocese or state to another.

The first paragraph of this canon contained the substance of Canon 9 of 1789, which it repealed, but with some important additions, which experience had shown to be necessary.

If such a clergyman desired to settle in a diocese, he must first obtain a license from the bishop, or, where there was no bishop, then from three clerical members of the standing committee. Before he could officiate as a clergyman, he must present to the bishop testimonials from the standing committee, similar to those granted by such committee to a candidate for orders. The second paragraph required one year's residence in the United States before he could become rector of a parish.

CONVENTION OF 1808

Canon 5 of 1804 was made Canon 36 by this Convention, and the first paragraph thereof was amended to read as follows:

A clergyman coming from a foreign country, and professing to be regularly ordained, shall, before he be permitted to officiate in any parish or congregation, exhibit to the minister, or if there be no minister, to the Vestry thereof, a certificate, signed by the Bishop of the diocese, or, if there be no Bishop, by a majority of the Standing Committee duly convened, that his letters of orders are authentic, and given by some Bishop whose authority is acknowledged by this Church; and also that he has exhibited to the Bishop or Standing Committee, satisfactory evidence of his pious and moral character, and of his theological acquirements. And should he be guilty of any unworthy conduct, he shall be liable to presentment and trial. And in any case, before he shall be entitled to settle in any parish or church as the minister thereof, the Bishop, or ecclesiastical authority of the diocese, must obtain satisfactory evidence of his respectable standing in the church there; and he must also have resided one year in the United States.

The second paragraph remained without amendment.

The important change made in the first paragraph by the amendment was the recognition of the rights of the minister of the parish. Under the former canon, the foreign clergyman was required to satisfy

the vestry of a church that his ordination was valid, and also as to his character, before he could officiate therein. This canon of 1808 recognized the right of the minister of the parish, not the vestry, to determine who should and who should not officiate within his cure.

CONVENTION OF 1832

This Convention renumbered Canon 36 of 1808, making it Canon 23, and amending it as follows:

The first paragraph of the former canon was made Section 1, and amended by striking out the words "by a majority of the Standing Committee" in the seventh line, and inserting in place thereof the words: "by all the Clerical members of the Standing Committee."

The second paragraph of the former canon was made Section 2, and amended by striking out the word "such" in the first line, and the words "or state" in the next to the last line thereof.

Two new sections were added to the canon, the first of which read as follows:

Sec. 3. And if such foreign Clergyman be a Deacon, he shall remain in this country at least three years, and obtain in this country the required testimonials of character, before he be ordained a Priest.

The other section, Section 4, relates to clergymen ordained by a bishop not in communion with this Church and will be noted in our consideration of Canon 38.

CONVENTION OF 1841

This Convention repealed Canon 23 of 1832, and enacted Canon 6, in place thereof, and to read as follows:

Sec. 1. A Clergyman coming from a foreign country, and professing to be regularly Ordained, shall, before he be permitted to officiate in any Parish or Congregation, exhibit to the Minister, or if there be no Minister, to the Vestry thereof, a Certificate, signed by the Bishop of the Diocese, or, if there be no Bishop, the Standing Committee, duly convened, that his Letters of Orders are authentic, and given by some Bishop in Communion with this Church, and whose authority is acknowledged by this Church; and also that he has exhibited to the Bishop or Standing Committee, satisfactory evidence of his pious and moral character, and his Theological acquirements; and, in any case, before he shall be permitted to settle in any Church or Parish, or be received into union with any Diocese of this Church, as a Minister thereof, he shall produce to the Bishop, or if there be no Bishop, the Standing Committee of such Diocese, a Letter of Dismission, from under the hand and seal of the Bishop, with whose Diocese he has been last con-

nected; which letter shall be, in substance, that provided for in Section 1st, of Canon 4th, of 1835, and shall be delivered within six months from the date thereof; and when such Clergyman shall have been so received, he shall be considered as having passed entirely from the jurisdiction of the Bishop from whom the Letter of Dismission was brought, to the full jurisdiction of the Bishop, or other ecclesiastical authority, by whom it shall have been accepted, and become thereby subject to all the Canonical provisions of this Church, provided that no such Clergyman shall be so received into union with any Diocese, until he shall have subscribed, in the presence of the Bishop of the Diocese, in which he applies for reception, and of two or more Presbyters, the Declaration contained in the Seventh Article of the Constitution; which being done, said Bishop, or Standing Committee, being satisfied of his Theological acquirements, may receive him into union with this Church, as a Minister of the same; provided also, that such Minister shall not be entitled to settle in any Parish or Church, as Canonically in charge of the same, until he has resided one year in the United States, subsequent to the acceptance of his Letter of Dismission.

Sec. 2. And if such foreign Clergyman be a Deacon, he shall reside in the country at least three years, and obtain in this country the requisite testimonials of character before he be ordained a Priest.

As will be noted, this canon was radically different from the former canon. Its requirements were stated more definitely, and were far stricter than before.

The canon returned to the provisions of the Canon of 1808, that where there was no bishop, the clergyman was to exhibit his testimonials to the standing committee, instead of to the clerical members thereof, as provided in the Canon of 1832, and those testimonials must have been given by a bishop whose authority was not only recognized by this Church, but one who was in communion with this Church. Most important of all, he must have produced a letter of dismission from the bishop of the diocese with which he was last connected, substantially in the same form as that required to be given by a bishop to a clergyman removing from his diocese to another diocese in this country, and such letter must be delivered within six months from the date thereof. When the clergyman had been so received, he passed entirely from the jurisdiction of his former bishop, and became subject to the canonical provisions of this Church, provided, however, he must first have signed in the presence of the bishop, and two of his presbyters, the declaration of conformity as contained in Article VII of the Constitution.

The former provision, that if he be guilty of any unworthy conduct he should be liable to presentment and trial, was repealed as no longer necessary, he being now subject to all the provisions of the

canons of the American Church. It is extremely doubtful if the former provision was legal. He had not necessarily severed his connection with the foreign jurisdiction from whence he came, and was not, therefore, within the jurisdiction of the American Church in such manner as to permit of his being put on trial here. It was probably the recognition of this fact that led to the amendment of the canon.

CONVENTION OF 1844

This Convention repealed the Canon 6 of 1841 and enacted Canon 9 in place thereof. The only amendment made to the canon, aside from a canonical reference, was that the words "A Clergyman coming from a foreign country, and professing to be regularly Ordained" at the beginning of the first section, were stricken out and these words inserted in place thereof:

Sec. 1. A Clergyman coming from a foreign country, and professing to have been ordained out of the United States by a foreign Bishop in communion with this Church, or by a Bishop consecrated for a foreign country by Bishops of this Church, under Article X of the Constitution, or by a Missionary Bishop elected to exercise Episcopal functions in any place or places out of the United States.

The reference in the former canon to "Section 1st of Canon 4th of 1835," was changed to read: "Section 1, of Canon V of 1844."

As the then tenth article of the Constitution had been adopted by this Convention, providing for the consecration of bishops for foreign countries, and in the event that such bishops might be consecrated, provision was made in the amended canon for the reception of clergymen ordained by such bishops.

CONVENTION OF 1868

This Convention amended the second section of Canon 9 of 1844, renumbered as Title I, Canon 10, by the Convention of 1859, by striking out the words "three years" in the second line, and inserting in place thereof the words: "one year."

The purpose of this amendment was to require only one year's residence in this country of a deacon, instead of three years, before his ordination to the priesthood.

CONVENTION OF 1892

In the revision of the canons of ordination by this Convention, the Canon 10 of Title I, of 1859, was renumbered Canon 14, of the same

title, and amended by inserting after the words "his letters of Holy Orders" in the thirteenth line, the words "and Letters Testimonial."

The canonical reference, "Section 7, of Canon 12, of this Title" was changed to read "Canon 17, Section 7, of this Title."

CONVENTION OF 1901

The only change made by this Convention in the canon was changing the reference from Article X, to "Article III," and Article VII, to "Article VIII," owing to the revision of the Constitution made by this Convention.

CONVENTION OF 1904

This Convention renumbered Title I, Canon 14, of the Canons of 1892, as Canon 17, and amended the first section as follows:

The words

or by a Missionary Bishop elected to exercise Episcopal functions in any place or places outside of the United States

were stricken out and these words inserted in place thereof:

or by a Missionary Bishop elected to exercise jurisdiction beyond the limits of the United States.

Also, by inserting after the word "certificate" in the tenth line, the words "of recent date." Also, by striking out the words "pious and moral character" in the seventeenth line, and inserting in place thereof the following words: "moral and godly character."

This first clause of the first section was made to end with the words "theological acquirements," in the eighteenth line. The remainder of the former first section of the canon was made clause (ii) and amended to read as follows:

(ii) And before he shall be permitted to take charge of any Parish or Congregation, or be received into any Diocese or Missionary District of this Church as a Minister thereof, he shall produce to the Ecclesiastical Authority Letters Dimissory or equivalent credentials under the hand and seal of the Bishop with whose Diocese or Missionary District he has been last connected, which letters or credentials shall be delivered within six months from the date thereof. Before such Minister shall be so received, the Bishop shall require him to promise in writing to submit himself in all things to the discipline of this Church, without recourse to any foreign jurisdiction, civil or ecclesiastical; and shall further require him to subscribe and make in his presence, and in the presence of two or more Presbyters, the declaration required in Article VIII of the Constitution.

After which the said Ecclesiastical Authority, being satisfied of his theological acquirements, may receive him into the Diocese or Missionary District as a Minister of this Church; *provided*, that such Ministers shall not be entitled to hold canonical charge in any Parish or Congregation, until he shall have resided one year in the United States subsequent to the acceptance of his credentials.

The second section was amended to read as follows:

Sec. 2. If such Minister be a Deacon, he shall not be ordered Priest until he shall have resided in the United States at least one year.

CONVENTION OF 1907

This Convention amended the first section of Canon 18, of the Canons of 1904, by striking out the words "A Minister who alleges" in the first line of clause (i), and inserting in place thereof the following: "A Minister declaring himself."

The words of the former canon "who alleges," were not happily chosen, as they were open to the construction that his statement might not be true.

This Convention also amended Section 1 (i), by striking out the words "or a Missionary Bishop elected to exercise jurisdiction beyond the limits of the United States," in the sixth and seventh lines thereof.

It was felt that such a bishop was not a "foreign bishop," nor was he a bishop in communion with this Church, in the meaning given to those words in the title to the canon, but was a bishop of this Church, and that some of the provisions of the canons ought not to apply to a minister ordained by such bishop. This amendment was offered by a bishop of a foreign missionary district.

CONVENTION OF 1919

This Convention renumbered this canon as Canon 10, and made two amendments to Section 1 (ii). The first amendment was the insertion, after the words "Article VIII of the Constitution," the words following.

He shall also be examined by the Bishop and at least one Presbyterian as to his knowledge of the history of this Church, its worship and government.

The second amendment was simply a verbal one, striking out the words "after which" at the beginning of the second paragraph of Section 1 (ii), and inserting the word "then" between the words "may" and "receive," in the second line thereof.

This canon was renumbered Canon 36 in 1943 and Canon 37 in 1946.

CONVENTION OF 1949

At this Convention clause (c) was added to Section 1 requiring a physical examination.

EXPOSITION OF CANON 37

It is stated in the original edition that the provisions of this canon were intended to apply to clergymen of the Church of England and can apply only to clergymen of the Anglican Church. Since that time, however, this Church has entered into communion with other Churches and it is obvious that it applies to ordained ministers of such Churches. It would therefore seem appropriate that a provision be added for some evidence of the fact of such relationship to be laid before the bishop of the diocese or district in which the clergyman desires to take charge of a parish or congregation or be received.

A clergyman coming to this country and desiring to officiate in some parish or congregation of this Church must furnish to the ecclesiastical authority of the diocese in which he desires to officiate, first, a letter of orders and other credentials from the bishop of the diocese whence he comes, then he must obtain from such ecclesiastical authority a certificate, which must be of recent date, that his letters of orders and other credentials are valid, and that he has furnished satisfactory evidence of his moral and godly character, and of his theological acquirements. This certificate he must exhibit to the minister of the church where he desires to officiate, or, if there be no minister then to the vestry thereof, before such minister or vestry can allow him to officiate in such church. .

If such clergyman desires to take charge of a parish of this Church, or to be received into a diocese or district of this Church, he must first furnish to the ecclesiastical authority thereof a letter dimissory, or some credentials equivalent thereto, under the hand and seal of the bishop with whose diocese he was last connected. Then he must promise in writing to submit himself in all things to the discipline of the Church, without recourse to any foreign jurisdiction, both civil and ecclesiastical. He must further subscribe and make in the presence of the bishop, and at least two presbyters, the declaration of belief and conformity required in Article VIII of the Constitution. By an amendment made to this canon by the Convention of 1919, he must also be examined by the bishop and at least one presbyter as to his knowledge of the history, worship, and government of this Church.

This requirement would seem to be most necessary; certainly a clergyman from another country ought to be required to have some knowledge of the American Church; what its history is, and what its form of government, and its form of worship. It seems strange that this requirement should have been so long overlooked.

One other requirement is contained in the canon: he must also have resided one year in this country before he can hold canonical charge of a parish.

If he be a deacon he cannot be ordered priest until he has resided in the United States one year.

The certificate or letter dimissory that he brings from his own bishop must be delivered within six months from the date thereof, or the bishop may refuse to receive it.

While the canon states that he must deliver such letter to the ecclesiastical authority, no provision seems to have been made for his being received into a diocese where there is no bishop. His promise in writing to submit himself to the discipline of the Church, is to be made to the bishop, his subscription to the declaration of belief and conformity must be made to the bishop, and it is the bishop who must examine him as to his knowledge of the Church. These duties belong only to the bishop, and not to the standing committee as the ecclesiastical authority. In spite of the seeming authority given by the canon to the ecclesiastical authority to receive a foreign clergyman into a diocese, the fact is, that only a bishop can receive such a clergyman as a minister of his diocese.

CANON 38

Of the Admission of Ministers Ordained by Bishops Not in Communion with This Church

Certificates
required

SECTION 1. When a Minister ordained by a Bishop not in communion with this Church shall apply to a Bishop for admission into the same as a Minister thereof, he shall produce to the Bishop satisfactory evidence of his moral and godly character and of his theological acquirements, and that his letters of Holy Orders and other credentials

are valid and authentic; he shall also produce a written certificate from at least two Presbyters of this Church, stating that, from personal examination, or from satisfactory evidence laid before them, they believe that his desire to leave the Communion to which he has belonged has not arisen from any circumstance unfavorable to his moral or religious character, or on account of which it may not be expedient to admit him to the exercise of the Ministry in this Church. Before such Minister shall be received into the Ministry of this Church, the Bishop shall require him to promise in writing to submit himself in all things to the discipline of this Church without recourse to any foreign jurisdiction, civil or ecclesiastical; and shall further require him to subscribe and make in his presence, and in the presence of two or more Presbyters, the declaration required in Article VIII of the Constitution.

If such a Minister furnish evidence of a satisfactory theological training in his previous communion, and have exercised his ministry therein with good repute and success for at least five years, he shall be examined by the Bishop and two Presbyters in the following subjects:

Subjects
of special
examination

- (1) Ecclesiastical Polity and Canon Law, including the Constitution and Canons of the General Convention, and of the Diocese in which he expects to serve;
- (2) The History of the Church of England and of this Church;
- (3) The History, Contents and Use of the Book of Common Prayer;
- (4) The points of Doctrine, Discipline and Worship in which the Communion from which he has come differs from this Church.

But if such Minister cannot furnish evidence of a satisfactory theological training in his previous Communion, or if he have not exercised his Ministry therein with good repute and success for at least five years, he shall conform to the requirements of Canon 26, Sec. 5, and Canon 29, Sec. 1, in full.

To reside
one year in
the United
States before
taking
charge of
any Parish

After which the Bishop, being satisfied of his theological acquirements and soundness in the faith, may, with the consent of the Standing Committee, or Council of Advice, receive him into the Diocese or Missionary District as a Minister of this Church; *Provided*, that such Minister shall not be entitled to hold canonical charge in any Parish or Congregation until he shall have resided one year in the United States or, in a Diocese or Missionary District of this Church located outside the United States, subsequent to the acceptance of his credentials.

If a Deacon,
to reside
one year
before being
ordered
Priest

SEC. 2. If such Minister be a Deacon he shall not be ordered Priest until he shall have resided in the United States or in a Diocese or Missionary District of this Church located outside the United States at least one year.

Medical
Examination

SEC. 3. No Minister ordained by a Bishop not in communion with this Church shall be accepted by a Bishop of this Church or placed on the clergy list of this Church until such Minister shall have submitted himself to, and satisfactorily passed, a thorough examination by a physician appointed by the Bishop. The examination shall cover the man's mental and nervous, as well as his physical condition. The form of medical report prepared by The Church Pension Fund shall be used for this purpose.

The Church made no canonical provision for the admission of ministers ordained by bishops not in communion with the Church until over forty years after its constitutional organization. It was not until 1832 that there is any recognition in the canons of ministers ordained by bishops not in communion with this Church.

CONVENTION OF 1832

This Convention enacted Canon 23, Section 4, reading as follows:

Sec. 4. When a Deacon or Priest, ordained by a Bishop not in communion with this Church, shall apply to a Bishop for reception into the same as a Minister thereof, he shall produce the testimonials of character required in the first section of Canon 21; and shall also, not less than six months after his application, in the presence of the Bishop, and two or more Presbyters, subscribe the declaration con-

tained in the seventh article of the constitution; which being done, the Bishop, being satisfied of his theological requirements, may receive him as such.

The testimonials of character referred to, as of Canon 21, Section 1, related to the testimonials from twelve members of the denomination from which he came, testifying to his good character.

It is difficult to understand why the requirements for a minister ordained by a bishop not in communion with the American Church should have been made so much less exacting than those for a minister ordained by a bishop in communion with the Church. He was not required to remain any stated length of time in this country before being received as a minister in this Church; he was not required to prove that his letters of orders were authentic, in fact, no such letters seemed to have been required of him; nor did he have to produce any evidence before the bishop or clerical members of the standing committee. All that was required of him was that he should produce a certificate from two presbyters that they believed that his desire to leave his former denomination was not caused by any circumstances unfavorable to his character, and that he should subscribe the declaration contained in the seventh article of the Constitution.

CONVENTION OF 1841

This Convention repealed Section 4, of Canon 23, of the Canons of 1832, and enacted Canon 10 in its place, which read as follows:

When a Deacon or Priest, ordained by a Bishop not in communion with this Church, shall apply to a Bishop for admission into the same as a Minister thereof, he shall produce a written certificate from at least two Presbyters of this Church, stating, that from personal knowledge of the party, or satisfactory evidence laid before them, they believe that his desire to leave the communion to which he has belonged, has not arisen from any circumstance unfavorable to his religious or moral character, or on account of which it may be inexpedient to admit him to the exercise of the Ministry in this Church; and shall also, not less than six months after his application, in the presence of the Bishop and two or more Presbyters, subscribe the declaration contained in Article VII of the Constitution; which being done, the Bishop being satisfied of his theological acquirements, may receive him as such.

The only important change made in this canon was the setting forth of the requirements of the certificate signed by two presbyters, instead of the reference to another canon containing such certificate, as in the former provision.

CONVENTION OF 1859

This Convention re-numbered Canon 10 of 1841 as Title I, Canon 9. The only amendment made thereto was the addition of the word "Minister" at the end of the canon.

CONVENTION OF 1871

In the revision of the canons of ordination by this Convention, this ninth canon of 1859 was inadvertently omitted from the 1871 Digest of Canons.

CONVENTION OF 1874

The Committee on Canons of the House of Bishops reported to the said House that Canon 9 of Title I had not been repealed, but that it had failed to appear in the Digest of 1871, "through an inadvertence which arose from a renumbering of the Canons of Title I, growing out of the changes made in the Canons relating to Ordination." The committee reported a resolution that said Canon 9 be printed in the Digest and numbered as Title I, Canon 11.

This resolution was adopted by the House of Bishops and concurred in by the House of Deputies. It is a somewhat singular fact that this canon should have been twice omitted from the Digest of Canons, first, in 1841, when it was first enacted a canon, and then in 1871.

CONVENTION OF 1904

This Convention very materially amended Title I, Canon 11, renumbering it as Canon 18, and amended to read as follows:

Sec. 1. When a Minister ordained by a Bishop not in communion with this Church shall apply to a Bishop for admission into the same as a Minister thereof, he shall produce to the Bishop satisfactory evidence of his moral and godly character and of his theological acquirements, and that his letters of Holy Orders and other credentials are valid and authentic; he shall also produce a written certificate from at least two Presbyters of this Church, stating, from personal examination, or from satisfactory evidence laid before them, they believe that his desire to leave the Communion to which he has belonged has not arisen from any circumstance unfavorable to his moral or religious character, or on account of which it may not be expedient to admit him to the exercise of the Ministry in this Church. Before such Minister shall be received into the Ministry of this Church, the Bishop shall require him to promise in writing to submit himself in all things to the discipline of this Church without recourse to any foreign jurisdiction, civil or ecclesiastical; and shall further require him to subscribe and make in his presence, and in the presence of two or more Presbyters, the declaration required in Article VIII of the Constitution.

After which the Bishop, being satisfied of his theological acquirements and soundness in the faith, may, with the consent of the Standing Committee, or Council of Advice, receive him into the Diocese or Missionary District as a Minister of this Church; *Provided*, that such Minister shall not be entitled to hold canonical charge in any Parish or Congregation until he shall have resided one year in the United States subsequent to the acceptance of his credentials.

Sec. 2. If such Minister be a Deacon he shall not be ordered Priest until he shall have resided in the United States at least one year.

CONVENTION OF 1919

This Convention renumbered Canon 18 as Canon 11 and amended the same by the addition of a new paragraph to the first section. The first paragraph of Section 1 remained without amendment. The second paragraph of the canon, prescribing certain examinations, is a new paragraph. The second paragraph of the former canon, first section, was made the third paragraph of said section, and without amendment. Section 2 was adopted as in the former canon.

This Canon was renumbered Canon 13 in 1940, Canon 37 in 1943, and Canon 38 in 1946.

CONVENTION OF 1946

At this Convention, on recommendation of the Joint Commission on Theological Education, Section 1 of the canon was amended by substituting the word "thorough" for the word "satisfactory" in the second and third paragraphs.

CONVENTION OF 1949

Section 3 requiring a physical examination was added.

CONVENTION OF 1952

At this Convention Section 1 of this canon was amended by inserting in the last paragraph after the words "United States" the words "or, in a Diocese or Missionary District outside the United States."

Prior to this amendment the provisions of the section seemed to require persons described in the canon who resided outside the United States to spend a year within their boundaries before they could hold canonical charge of a parish or congregation.

A similar amendment was made in Section 2 which theretofore required a year's residence in the United States before ordination of a deacon to the priesthood.

EXPOSITION OF CANON 38

This canon was intended to provide for the reception into our ministry of clergymen already ordained by bishops in the apostolic succession but not in communion with this Church.

The present canon, providing for the admission of ministers ordained by bishops not in communion with this Church, bears but little resemblance to the original Canon of 1841 on this subject. As before stated, it is difficult to understand why, under the provisions of the Canon of 1841, so little was required of a minister so ordained before admission as a minister of this Church. Practically all that was required of him was first, the production to the bishop of a certificate signed by two presbyters of the Church stating that his desire to leave his former communion was not because of any circumstance unfavorable to his moral or religious character, or such as to render it inexpedient to admit him to the ministry of this Church; and second, subscribing to the declaration set forth in Article VIII. He was not obliged to make any proof that his letters of orders and other credentials were valid and authentic, nor was he required to promise that he would submit himself to the discipline of this Church, and abjure all allegiance to any foreign jurisdiction, civil or ecclesiastical. In this respect, the former canon was exceedingly defective.

The bishop must now be furnished with satisfactory evidence of his character and theological attainments, and the minister in question must promise in writing to submit himself in all things to the discipline of this Church without recourse to any foreign jurisdiction, civil or ecclesiastical, and subscribe and make the declaration contained in Article VIII. The consent of the standing committee is now required before the bishop can admit him as a minister of this Church.

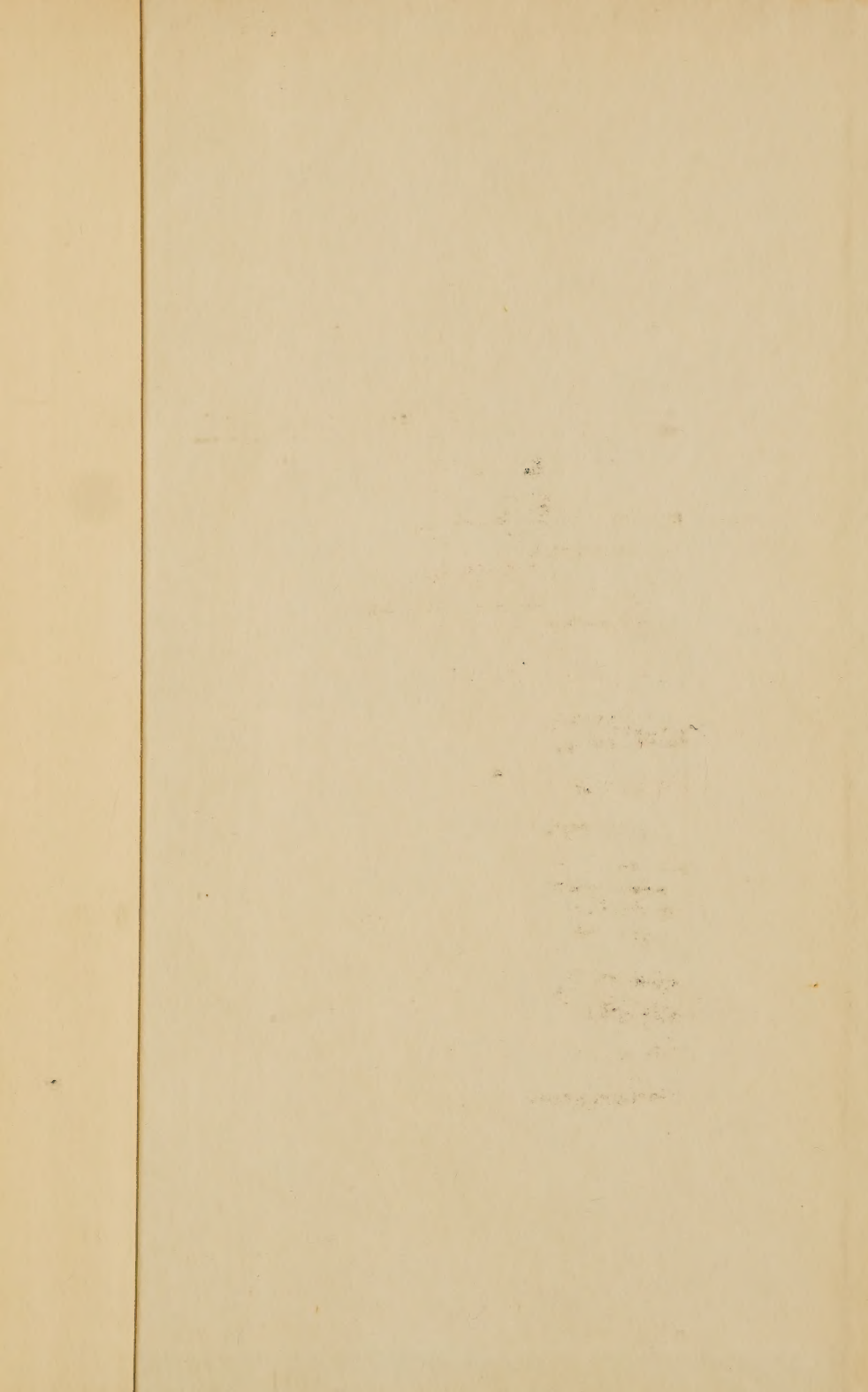
These requirements are contained in the Canon of 1904. The amendment of 1919 relates to the subjects of examinations of such a minister who has had a thorough theological training in his previous communion, and who has exercised his ministry therein for at least five years. If he cannot furnish satisfactory evidence of having had a thorough theological training, or if he has not exercised his ministry with success and good repute for at least five years, then he must undergo the examinations required of postulants, and also on the subjects required by the canon Of the Normal Standard of Learning and Examination of Candidates for Holy Orders.

Here it will be observed that, although the advice and consent of the standing committee or council of advice is required under Section 1, the examination of the candidate is conducted by the bishop and two presbyters. A provision for examination by the Board of Examining Chaplains would tend toward uniformity.

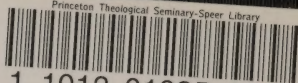
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